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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

ADDENDUM NO. 4925 TO ENVIRONMENTAL IMPACT
REPORT NO. 86-1032 – PLAYA DEL SOL – PROJECT
NO. 4987.

WHEREAS, Pardee Homes submitted an application to the City of San Diego for a vesting tentative map, an easement vacation, and a planned development permit for the Playa Del Sol Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, the City Council considered the issues discussed in Addendum No. 4925 to Environmental Impact Report No. 86-1032; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum No. 4925 to Environmental Impact Report No. 86-1032, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State

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guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a vesting tentative map, an easement abandonment, and a planned development permit for the Playa Del Sol Project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Addendum to Environmental Impact Report, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.


BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

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BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Keith Bauerle
Deputy City Attorney

KB:pev
12/19/08
Or.Dept:DSD
R-2009-641
MMS #7045

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP),
AND EASMENT VACATIONS

DEPT NO. 1300

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Addendum (Project No.4925) shall be made conditions of the VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), AND EASMENT VACATIONS as may be further described below.

Transportation/Traffic Circulation

As required in the California Terraces Precise Plan FEIR, prior to the issuance of the first building permit, the following near-term and horizon-year improvements shall be made.

Near-term

- Signalize the two project driveways on Street A Planning Area 6 (PA 6).
- Signalize(when warranted) Del Sol Boulevard/Project North Driveway D (PA-6).
- Signalize Ocean View Hills Parkway at Street A.
- Signalize Ocean View Hills Parkway at Otay Mesa Road.
- Signalize Otay Mesa Road at Street A (after Otay Mesa Road is transferred back to the City).
- Construct Street A as a four-lane major street to the satisfaction of the City Engineer (PA-6).
- Construct a right-turn-in-and-out only intersection at Street A/Otay Mesa Boulevard, pending a Caltrans permit (PA-6).

In addition, the FEIR identified other projects' construction of off-site improvements including the construction of Ocean View Hills Parkway from Del Sol Boulevard to Otay Mesa Road (PA 13/14) and modification of the signalized Otay Mesa Road intersection at Caliente Avenue/Ocean View Hills Parkway (PA-13/14).

Horizon Year

For the FEIR-identified significant impacts to SR-905, the FEIR mitigation stated the following:

- Other public transit facilities such as ramp signalization on I-805, high occupancy vehicle (HOV) lanes on I-805 or SR-905, and park-and-ride lots would be the responsibility of Caltrans to study and develop as determined necessary. The project shall pay a fair share contribution towards the SR-905 HOV lanes construction.

Paleontological Resources**I. Prior to Permit Issuance****A. Entitlements Plan Check**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from San Diego Natural History Museum, other institution, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored, including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVRS shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching

activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVN and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction**A. Preparation and Submittal of Draft Monitoring Report**

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal

material is identified as to species; and that specialty studies are completed, as appropriate

- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

PLANNED DEVELOPMENT PERMIT NO. 8075 – PLAYA DEL
SOL, PROJECT NO. 4987.

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a planned development permit to construct a 1,578-unit condominium project consisting of six 3-story buildings, and ten 4-story buildings with each building having two levels of underground parking, and three 9,600-square foot recreational buildings known as the Playa del Sol project, located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street, and legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, in the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area, in the RM-3-7 and RS-1-14 zones; and

WHEREAS, on November 13, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] Permit No. 8075, and pursuant to Resolution No. 4479-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

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WHEREAS, the matter was set for public hearing on _____,
 testimony having been heard, evidence having been submitted, and the City Council having fully
 considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following
 findings with respect to Planned Development Permit No. 8075: .

**A. PLANNED DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0604**

1. The proposed development will not adversely affect the applicable land use plan. The project site consists of approximately 45.97 acres of vacant land within the Otay Mesa community planning area and the California Terraces Precise Plan. In 1994, the City Council adopted the California Terraces Precise Plan designating the site for medium-high density residential (30-43 dwelling units per acre [du/ac]).

The proposed project requests approval of a 1,578-unit condominium project that consists of six 3-story buildings with two levels of underground parking, ten 4-story buildings with two levels of underground parking, three 9,600 square-foot recreational buildings, and associated open space.

The proposal complies with the density standards for the California Terraces Precise Plan and the underlying zone (RM-3-7). The High Medium Residential land use designation has a density range of 30-43 du/acre, and would allow for the development of 1,379-1,977 dwelling units on the approximately 45.97 acre site. The project is within the RM-3-7 zone (1 dwelling unit [du]/1,000 square feet [sf] of lot area) and Lot A (HOA lot to remain undeveloped) is within the RS-1-14 zone (1 du/5000 sf of lot area). The gross area is 45.97 acres and could be developed with up to 1,873 units (1,840 units for the RM-3-7 portion, and thirty-three units for the RS-1-14 portion). The net area is 41.69 acres, and would allow for between 1,251 to 1,793 units. As proposed, 1,578 units is below the maximum allowed under the RM-3-7 zone and is within the California Terraces Precise Plan land use designation of High Medium Residential (30-43 du/ac) at either 34 du/ac at the gross acreage, or 38 du/ac at the net acreage. The private drives have been excluded from the net acreage per San Diego Municipal Code Section 143.0410(b)(5) of the Planned Development Permit regulations.

The proposed project meets the Design Element of the California Terraces Precise Plan by creating a visual landscape buffer between the street and the residential land use, and by providing an interface between parkways and major use areas via a curvilinear streetscape. The proposed project encourages pedestrian and bicycle movement throughout the site with safe and convenient parkway paths throughout the development that connect to public sidewalks. Further guidelines that the project would implement include direct garage access from inside the project rather than curb cuts to the public street, and screened off-street parking from public streets through the placement of the proposed buildings. The proposed project also eliminates the need

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for visually obtrusive sound walls at the southwestern corner of the site by elevating the pad, locates buildings to create courtyards and open spaces that are well defined. utilizes drought-tolerant plant species, and provides three common recreational areas for the project that offer numerous amenities for the future residents.

The project is consistent with the Public Facilities Elements of the California Terraces Precise Plan through the payment of its fair share of development impact fees to contribute to the parks, library facilities and future demand on Police/Fire services.

All other development standards that apply to this zone will be satisfied with this development proposal (except building height and setbacks, as discussed below in the fifth finding). Therefore, the proposed development would not adversely affect the California Terraces Precise Plan, Otay Mesa Community Plan, or the City of San Diego General Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The approvals prepared for this project include various conditions of approval relevant to achieving compliance with the regulations of the Municipal Code in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and welfare of the persons residing or working in the area. These conditions include standards that pertain to best management practices, traffic circulation, engineering, utilities, noise, and landscaping. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project complies with all applicable development guidelines of the RM-3-7 zone with the exception of several deviations addressed in the fifth finding.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Playa del Sol project will promote the City's social equity goals by contributing to the creation and maintenance of a stable, economically and socially diverse community in Otay Mesa. The project will fairly distribute the costs and benefits of development and will improve the overall appearance of the vacant site through the construction of a project that is proposing to provide the majority of the required parking within underground garages. Three, 9600 square-foot recreation buildings are proposed that are located throughout the project site that will offer numerous recreational and common open space amenities for the future residents. Pools, tot lots, various types of sport courts, and other related uses will be provided. The provision of these amenities will lessen the impact of the future residents on existing and planned parks within Otay Mesa.

Additionally, the project's design allows for a unit count that is near the maximum amount of units that could be built on the site at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. Therefore, when considered as a whole, the proposed development will be beneficial the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if

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designed in strict conformance with the development regulations of the applicable zone.

The applicant is requesting a deviation from the required RM-3-7 height limit of 40 feet to a maximum of 58 feet. The highest roofline of any of the buildings would be 52 feet- the additional 6 feet is for the elevator towers. The rooflines range in height from 40 to 52 feet, and with the elevator towers, the overall heights are 46 to 58 feet high. The tallest structures are located towards the southern end of the project and are generally located away from the existing single-family residences to the north.

The increase in height is necessary to accommodate the density envisioned by the California Terraces Precise Plan. The height deviation will allow more units to be built on the site than if the 40-foot height limit were strictly applied. Further, to meet the height and density regulations of the RM-3-7 zone the units would have to be smaller. In association with the Otay Mesa Community Plan Update, a survey was conducted by SourcePoint in both single-family units and multi-family units in the Otay Mesa and Otay Ranch area to determine household sizes. The survey results established that the multi-family units in the Otay region had an average of 3.45 persons per household. Given the population per household in Otay Mesa is currently 3.45, the provision of smaller units in order to try and reduce the overall building height would not address the housing needs of the area and would be a less desirable project. The project proposes a mix of 1-, 2-, 3-, and 4- bedroom units based on the demonstrated demand for larger units in this portion of San Diego. By providing a variety of unit types, the applicant would help to make Otay Mesa a more balanced community which is consistent with the Housing Element, and provide affordable (in nature) dwelling units at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

Building Number	Maximum Overall Building Height (without Elevator Tower)	Maximum Building Height with Elevator Tower (adds 6 feet to overall height)
1	52 feet	58 feet
2	52 feet	58 feet
3	52 feet	58 feet
4	52 feet	58 feet
5	52 feet	58 feet
6	52 feet	58 feet
7	52 feet	58 feet
8	42 feet	48 feet
9	42 feet	48 feet
10	52 feet	58 feet
11	41 feet	47 feet
12	51 feet	57 feet
13	51 feet	57 feet
14	42 feet	48 feet
15	42 feet	48 feet
16	40 feet	46 feet

The applicant is requesting the following setback deviations.

LOT 1:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10 percent of the lot width) along Otay Mesa Road, 30-feet is proposed.

The RM-3-7 zone requires a side yard setback of 75 feet (or 10 percent of the lot width) along the northern side of the lot, 15-feet is proposed.

LOT 2:

The RM-3-7 zone requires a street side yard setback of 67 feet (10 percent of the lot width) along A Street, 20-feet is proposed.

The RM-3-7 zone requires a side yard setback of 67 feet (10 percent of the lot width) along the western side of the lot, 12-feet is proposed.

LOT 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (10 percent of the lot width) along Del Sol Boulevard, 40-feet is proposed.

The RM-3-7 zone requires a side yard setback of 75 feet (10 percent of the lot width) along the southeastern side of the lot, 15-feet is proposed.

These setback deviations are necessary to achieve the density identified in the California Terraces Precise Plan. They will allow for more units to be built on the site than if the standard 10 percent of the lot width side and street side yard regulations were strictly applied. The deviations are supported because they will allow more residential units to be constructed at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. In addition, there are no other projects in the area that provide 67-foot or similar side yard setbacks. The project as proposed will be consistent with the development pattern of Ocean View Hills.


The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

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BE IT FURTHER RESOLVED, that Planned Development Permit No. 8075 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Keith Bauerle
Deputy City Attorney

KB:pev
12/19/08
01/09/09 Cor.Copy
Or.Dept:DSD
R-2009-642
MMS #7045

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-1005

PLANNED DEVELOPMENT PERMIT NO. 8075
PLAYA DEL SOL [MMRP] PROJECT NO. 4925

CITY COUNCIL

This Planned Development Permit No. 8075 is granted by the City Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600. The 45.97-acre site is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 zone within the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area. The project site is legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 1,578-unit condominium project that consists of six 3-story buildings and ten 4-story buildings with each building having two levels of underground parking, and three approximately 9,608-square foot recreational buildings, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. A 1,578-unit condominium project consisting of six 3-story buildings and ten 4-story buildings with each building having two levels of underground parking;
- b. Three approximately 9,608 square-foot recreational buildings;
- c. Buildings 8 and 9 shall be 3-stories and Buildings 12 and 13 shall be 4-stories

Deviations:

Height: The RM-3-7 height limit is 40-feet, 58 feet is approved.

Setbacks:

Lot 1:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Otay Mesa Road, 30 feet is approved.

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along the northern side of the lot, 15 feet is approved.

Lot 2:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Street "A," 20 feet approved.

The RM-3-7 zone requires a side yard setback of 76 feet (or 10 percent of the lot width) along the western side of the lot, 12 feet is approved.

Lot 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10 percent of the lot width) along Del Sol Boulevard, 40 feet is approved.

The RM-3-7 zone requires a side yard setback of 75 feet (or 10 percent of the lot width) along the southeastern side of the lot, 15 feet is approved.

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the

City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the *building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people* may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of

a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. The mitigation measures specified in the MMRP, and outlined in Addendum to Environmental Impact Report No. 86-1032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 86-1032 satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Transportation/Traffic Circulation; Noise; and Paleontological Resources.

16. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

17. The Planned Development Permit shall comply with the conditions of the Final Map for Playa del Sol and Vesting Tentative Map No. 551809.

LANDSCAPE REQUIREMENTS:

18. No change, modification, or alteration shall be made to this project unless appropriate application or amendment of this Permit shall have been granted by the City.

19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee/Owner or any subsequent Owner(s) to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable,

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shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

20. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

21. Prior to issuance of any construction permit for parking structures, the Permittee/Owner or subsequent Owner(s) shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

22. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. Prior to any grading (building permit) the Permittee/Owner or subsequent Owner(s) shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

25. The Permittee/Owner or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

26. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee or subsequent Owner(s).

27. All signs associated with this development shall be consistent with sign criteria established by either of the approved Exhibit "A;" or Citywide sign regulations.
28. The Owner/Permittee or subsequent Owner(s) shall post a copy of the approved discretionary permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.
29. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located, and in accordance with the applicable regulations under the SDMC.

TRANSPORTATION REQUIREMENTS

30. On Lot 1 the SDMC/LDC requires no fewer than 1,067 automobile, twenty-six accessible parking spaces (of which four must be van accessible parking spaces), 272 bicycle parking spaces, and fifty-one motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the SDMC/LDC requirement with 1,119 off-street automobile parking spaces, including thirty-six accessible parking spaces (of which six are van accessible parking spaces), 300 bicycle parking spaces with racks, and fifty-four motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.
31. On Lot 2 the Municipal/Land Development Code requires no fewer than 1,169 automobile, twenty-seven accessible parking spaces (of which four must be van accessible parking spaces), 298 bicycle parking spaces, and fifty-six motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the San Diego Municipal Code/Land Development Code requirement with 1,230 off-street automobile parking spaces, including thirty-eight accessible parking spaces (of which six are van accessible parking spaces), 310 bicycle parking spaces with racks, and fifty-eight motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.
32. On Lot 3, the San Diego Municipal Code/Land Development Code requires no fewer than 1,047 automobile, twenty-six accessible parking spaces (of which four must be van accessible parking spaces), 266 bicycle parking spaces, and fifty motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the San Diego Municipal Code/Land Development Code requirement with 1,158 off-street automobile parking spaces, including forty accessible parking spaces (of which seven are van accessible parking spaces), 370 bicycle parking spaces with racks, and fifty-three motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the

Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.

33. Prior to the issuance of the first building permit in each of Lots 1, 2, and 3, a Mutual Access Agreement shall be recorded among all parcels, satisfactory to the City Engineer.

34. Prior to the issuance of the building permit, the applicant shall provide a fair-share contribution of 8.7 percent of the cost to construct an additional southbound lane at the future SR-905/Caliente Avenue WB on-ramp (Year 2008 estimated cost of \$24,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer. The City may only increase the Year 2008 estimated fair share contribution by the amount of the Annual Construction Cost Index.

35. Prior to the issuance of the building permit for the 983rd residential unit, the applicant shall provide a fair-share contribution of 3.0 percent of the cost to construct one High Occupancy Lane [HOV] in each direction, on future SR-905 between Heritage Road and Interstate 805 (Year 2008 estimated cost of \$270,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer. The City may only increase the Year 2008 estimated fair share contribution by the amount of the Annual Construction Cost Index.

36. Prior to the issuance of the building permit for the 983rd residential unit, the construction of the traffic signal and appropriate interconnect at Otay Mesa Road and Street "A" shall be assured by permit and bond, satisfactory to the City Engineer. This signal shall be constructed after Otay Mesa Road is transferred back to the City of San Diego. In the interim, Street "A" should be restricted to right in/right out at Otay Mesa Road.

37. Prior to the issuance of the building permit, the applicant shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at Del Sol Boulevard at Private Driveway "D" including a 150 foot westbound to southbound left-turn pocket. This traffic signal shall not be constructed until Del Sol Boulevard is completed westerly from Surf Crest Drive to Riviera Pointe Street.

WASTEWATER REQUIREMENTS:

38. All proposed onsite sewer facilities will be private.

39. Prior to the issuance of any building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of all sewer facilities necessary to serve this development.

40. Prior to the issuance of any building or engineering permits, the Permittee/Owner or subsequent Owner(s) shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&Rs for the operation and maintenance of private sewer facilities that serve more than one ownership.
41. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement [EMRA], no private sewer facilities shall be in or over any public right-of-way.
42. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
43. The Owner/Permittee or subsequent Owner(s) shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER REQUIREMENTS:

44. Prior to the issuance of the first building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer.
45. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of new irrigation water service(s) in a manner satisfactory to the Water Department Director and the City Engineer. All private on-site irrigation systems shall be designed to utilize reclaimed water. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
46. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.
47. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide EMRA for all public water facilities located within the proposed easement.
48. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall provide keyed access to Water Operations Division, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

51. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

52. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

53. The Owner/Permittee or subsequent Owner(s) agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

54. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously identified water facilities, as required by the City Engineer, will become off-site improvements required for this development.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____ by
Resolution No. R-_____.

000255

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

PARDEE HOMES
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

000257

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-1005

PLANNED DEVELOPMENT PERMIT NO. 8075
PLAYA DEL SOL [MMRP] PROJECT NO. 4925

CITY COUNCIL

This Planned Development Permit No. 8075 is granted by the City Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600. The 45.97-acre site is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 zone within the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area. The project site is legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 1,578-unit condominium project that consists of six 3-story buildings and ten 4-story buildings with each building having two levels of underground parking, and three approximately 9,608-square foot recreational buildings, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. A 1,578-unit condominium project consisting of six 3-story buildings and ten 4-story buildings with each building having two levels of underground parking;
- b. Three approximately 9,608 square-foot recreational buildings;
- c. Buildings 8 and 9 shall be 3-stories and Buildings 12 and 13 shall be 4-stories

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Deviations:

Height: The RM-3-7 height limit is 40-feet, 58 feet is approved.

Setbacks:

Lot 1:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Otay Mesa Road, 30 feet is approved.

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along the northern side of the lot, 15 feet is approved.

Lot 2:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Street "A," 20 feet approved.

The RM-3-7 zone requires a side yard setback of 76 feet (or 10 percent of the lot width) along the western side of the lot, 12 feet is approved.

Lot 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10 percent of the lot width) along Del Sol Boulevard, 40 feet is approved.

The RM-3-7 zone requires a side yard setback of 75 feet (or 10 percent of the lot width) along the southeastern side of the lot, 15 feet is approved.

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the

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8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of

a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

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14. The mitigation measures specified in the MMRP, and outlined in Addendum to Environmental Impact Report No. 86-1032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

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17. The Planned Development Permit shall comply with the conditions of the Final Map for Playa del Sol and Vesting Tentative Map No. 551809.

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18. No change, modification, or alteration shall be made to this project unless appropriate application or amendment of this Permit shall have been granted by the City.

19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee/Owner or any subsequent Owner(s) to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable,

shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

20. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

21. Prior to issuance of any construction permit for parking structures, the Permittee/Owner or subsequent Owner(s) shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

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23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. Prior to any grading (building permit) the Permittee/Owner or subsequent Owner(s) shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

25. The Permittee/Owner or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

26. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee or subsequent Owner(s).

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27. All signs associated with this development shall be consistent with sign criteria established by either of the approved Exhibit "A;" or Citywide sign regulations.
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29. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located, and in accordance with the applicable regulations under the SDMC.

TRANSPORTATION REQUIREMENTS

30. On Lot 1 the SDMC/LDC requires no fewer than 1,067 automobile, twenty-six accessible parking spaces (of which four must be van accessible parking spaces), 272 bicycle parking spaces, and fifty-one motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the SDMC/LDC requirement with 1,119 off-street automobile parking spaces, including thirty-six accessible parking spaces (of which six are van accessible parking spaces), 300 bicycle parking spaces with racks, and fifty-four motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.
31. On Lot 2 the Municipal/Land Development Code requires no fewer than 1,169 automobile, twenty-seven accessible parking spaces (of which four must be van accessible parking spaces), 298 bicycle parking spaces, and fifty-six motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the San Diego Municipal Code/Land Development Code requirement with 1,230 off-street automobile parking spaces, including thirty-eight accessible parking spaces (of which six are van accessible parking spaces), 310 bicycle parking spaces with racks, and fifty-eight motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.
32. On Lot 3, the San Diego Municipal Code/Land Development Code requires no fewer than 1,047 automobile, twenty-six accessible parking spaces (of which four must be van accessible parking spaces), 266 bicycle parking spaces, and fifty motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the San Diego Municipal Code/Land Development Code requirement with 1,158 off-street automobile parking spaces, including forty accessible parking spaces (of which seven are van accessible parking spaces), 370 bicycle parking spaces with racks, and fifty-three motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the

Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.

33. Prior to the issuance of the first building permit in each of Lots 1, 2, and 3, a Mutual Access Agreement shall be recorded among all parcels, satisfactory to the City Engineer.

34. Prior to the issuance of the building permit, the applicant shall provide a fair-share contribution of 8.7 percent of the cost to construct an additional southbound lane at the future SR-905/Caliente Avenue WB on-ramp (Year 2008 estimated cost of \$24,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer. The City may only increase the Year 2008 estimated fair share contribution by the amount of the Annual Construction Cost Index.

35. Prior to the issuance of the building permit for the 983rd residential unit, the applicant shall provide a fair-share contribution of 3.0 percent of the cost to construct one High Occupancy Lane [HOV] in each direction, on future SR-905 between Heritage Road and Interstate 805 (Year 2008 estimated cost of \$270,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer. The City may only increase the Year 2008 estimated fair share contribution by the amount of the Annual Construction Cost Index.

36. Prior to the issuance of the building permit for the 983rd residential unit, the construction of the traffic signal and appropriate interconnect at Otay Mesa Road and Street "A" shall be assured by permit and bond, satisfactory to the City Engineer. This signal shall be constructed after Otay Mesa Road is transferred back to the City of San Diego. In the interim, Street "A" should be restricted to right in/right out at Otay Mesa Road.

37. Prior to the issuance of the building permit, the applicant shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at Del Sol Boulevard at Private Driveway "D" including a 150 foot westbound to southbound left-turn pocket. This traffic signal shall not be constructed until Del Sol Boulevard is completed westerly from Surf Crest Drive to Riviera Pointe Street.

WASTEWATER REQUIREMENTS:

38. All proposed onsite sewer facilities will be private.

39. Prior to the issuance of any building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of all sewer facilities necessary to serve this development.

40. Prior to the issuance of any building or engineering permits, the Permittee/Owner or subsequent Owner(s) shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&Rs for the operation and maintenance of private sewer facilities that serve more than one ownership.
41. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement [EMRA], no private sewer facilities shall be in or over any public right-of-way.
42. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
43. The Owner/Permittee or subsequent Owner(s) shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER REQUIREMENTS:

44. Prior to the issuance of the first building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer.
45. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of new irrigation water service(s) in a manner satisfactory to the Water Department Director and the City Engineer. All private on-site irrigation systems shall be designed to utilize reclaimed water. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
46. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.
47. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide EMRA for all public water facilities located within the proposed easement.
48. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall provide keyed access to Water Operations Division, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

51. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

52. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

53. The Owner/Permittee or subsequent Owner(s) agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

54. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously identified water facilities, as required by the City Engineer, will become off-site improvements required for this development.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____ by
Resolution No. R-_____..

000267

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

PARDEE HOMES
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

000269

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

PLANNED DEVELOPMENT PERMIT NO. 8075 – PLAYA DEL
SOL, PROJECT NO. 4987.

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a planned development permit to construct a 1,578-unit condominium project consisting of six 3-story buildings, and ten 4-story buildings with each building having two levels of underground parking, and three 9,600-square foot recreational buildings known as the Playa del Sol project, located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street, and legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, in the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area, in the RM-3-7 and RS-1-14 zones; and

WHEREAS, on November 13, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] Permit No. 8075, and pursuant to Resolution No. 4479-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

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WHEREAS, the matter was set for public hearing on _____,

testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 8075:

**A. PLANNED DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0604**

1. The proposed development will not adversely affect the applicable land use plan. The project site consists of approximately 45.97 acres of vacant land within the Otay Mesa community planning area and the California Terraces Precise Plan. In 1994, the City Council adopted the California Terraces Precise Plan designating the site for medium-high density residential (30-43 dwelling units per acre [du/ac]).

The proposed project requests approval of a 1,578-unit condominium project that consists of six 3-story buildings with two levels of underground parking, ten 4-story buildings with two levels of underground parking, three 9,600 square-foot recreational buildings, and associated open space.

The proposal complies with the density standards for the California Terraces Precise Plan and the underlying zone (RM-3-7). The High Medium Residential land use designation has a density range of 30-43 du/acre, and would allow for the development of 1,379-1,977 dwelling units on the approximately 45.97 acre site. The project is within the RM-3-7 zone (1 dwelling unit [du]/1,000 square feet [sf] of lot area) and Lot A (HOA lot to remain undeveloped) is within the RS-1-14 zone (1 du/5000 sf of lot area). The gross area is 45.97 acres and could be developed with up to 1,873 units (1,840 units for the RM-3-7 portion, and thirty-three units for the RS-1-14 portion). The net area is 41.69 acres, and would allow for between 1,251 to 1,793 units. As proposed, 1,578 units is below the maximum allowed under the RM-3-7 zone and is within the California Terraces Precise Plan land use designation of High Medium Residential (30-43 du/ac) at either 34 du/ac at the gross acreage, or 38 du/ac at the net acreage. The private drives have been excluded from the net acreage per San Diego Municipal Code Section 143.0410(b)(5) of the Planned Development Permit regulations.

The proposed project meets the Design Element of the California Terraces Precise Plan by creating a visual landscape buffer between the street and the residential land use, and by providing an interface between parkways and major use areas via a curvilinear streetscape. The proposed project encourages pedestrian and bicycle movement throughout the site with safe and convenient parkway paths throughout the development that connect to public sidewalks. Further guidelines that the project would implement include direct garage access from inside the project rather than curb cuts to the public street, and screened off-street parking from public streets through the placement of the proposed buildings. The proposed project also eliminates the need

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for visually obtrusive sound walls at the southwestern corner of the site by elevating the pad, locates buildings to create courtyards and open spaces that are well defined. utilizes drought-tolerant plant species, and provides three common recreational areas for the project that offer numerous amenities for the future residents.

The project is consistent with the Public Facilities Elements of the California Terraces Precise Plan through the payment of its fair share of development impact fees to contribute to the parks, library facilities and future demand on Police/Fire services.

All other development standards that apply to this zone will be satisfied with this development proposal (except building height and setbacks, as discussed below in the fifth finding). Therefore, the proposed development would not adversely affect the California Terraces Precise Plan, Otay Mesa Community Plan, or the City of San Diego General Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The approvals prepared for this project include various conditions of approval relevant to achieving compliance with the regulations of the Municipal Code in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and welfare of the persons residing or working in the area. These conditions include standards that pertain to best management practices, traffic circulation, engineering, utilities, noise, and landscaping. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project complies with all applicable development guidelines of the RM-3-7 zone with the exception of several deviations addressed in the fifth finding.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Playa del Sol project will promote the City's social equity goals by contributing to the creation and maintenance of a stable, economically and socially diverse community in Otay Mesa. The project will fairly distribute the costs and benefits of development and will improve the overall appearance of the vacant site through the construction of a project that is proposing to provide the majority of the required parking within underground garages. Three, 9600 square-foot recreation buildings are proposed that are located throughout the project site that will offer numerous recreational and common open space amenities for the future residents. Pools, tot lots, various types of sport courts, and other related uses will be provided. The provision of these amenities will lessen the impact of the future residents on existing and planned parks within Otay Mesa.

Additionally, the project's design allows for a unit count that is near the maximum amount of units that could be built on the site at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. Therefore, when considered as a whole, the proposed development will be beneficial the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if

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designed in strict conformance with the development regulations of the applicable zone.

The applicant is requesting a deviation from the required RM-3-7 height limit of 40 feet to a maximum of 58 feet. The highest roofline of any of the buildings would be 52 feet- the additional 6 feet is for the elevator towers. The rooflines range in height from 40 to 52 feet, and with the elevator towers, the overall heights are 46 to 58 feet high. The tallest structures are located towards the southern end of the project and are generally located away from the existing single-family residences to the north.

The increase in height is necessary to accommodate the density envisioned by the California Terraces Precise Plan. The height deviation will allow more units to be built on the site than if the 40-foot height limit were strictly applied. Further, to meet the height and density regulations of the RM-3-7 zone the units would have to be smaller. In association with the Otay Mesa Community Plan Update, a survey was conducted by SourcePoint in both single-family units and multi-family units in the Otay Mesa and Otay Ranch area to determine household sizes. The survey results established that the multi-family units in the Otay region had an average of 3.45 persons per household. Given the population per household in Otay Mesa is currently 3.45, the provision of smaller units in order to try and reduce the overall building height would not address the housing needs of the area and would be a less desirable project. The project proposes a mix of 1-, 2-, 3-, and 4- bedroom units based on the demonstrated demand for larger units in this portion of San Diego. By providing a variety of unit types, the applicant would help to make Otay Mesa a more balanced community which is consistent with the Housing Element, and provide affordable (in nature) dwelling units at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

Building Number	Maximum Overall Building Height (without Elevator Tower)	Maximum Building Height with Elevator Tower (adds 6 feet to overall height)
1	52 feet	58 feet
2	52 feet	58 feet
3	52 feet	58 feet
4	52 feet	58 feet
5	52 feet	58 feet
6	52 feet	58 feet
7	52 feet	58 feet
8	42 feet	48 feet
9	42 feet	48 feet
10	52 feet	58 feet
11	41 feet	47 feet
12	51 feet	57 feet
13	51 feet	57 feet
14	42 feet	48 feet
15	42 feet	48 feet
16	40 feet	46 feet

The applicant is requesting the following setback deviations.

LOT 1:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10 percent of the lot width) along Otay Mesa Road, 30-feet is proposed.

The RM-3-7 zone requires a side yard setback of 75 feet (or 10 percent of the lot width) along the northern side of the lot, 15-feet is proposed.

LOT 2:

The RM-3-7 zone requires a street side yard setback of 67 feet (10 percent of the lot width) along A Street, 20-feet is proposed.

The RM-3-7 zone requires a side yard setback of 67 feet (10 percent of the lot width) along the western side of the lot, 12-feet is proposed.

LOT 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (10 percent of the lot width) along Del Sol Boulevard, 40-feet is proposed.

The RM-3-7 zone requires a side yard setback of 75 feet (10 percent of the lot width) along the southeastern side of the lot, 15-feet is proposed.

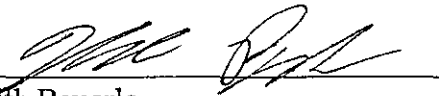
These setback deviations are necessary to achieve the density identified in the California Terraces Precise Plan. They will allow for more units to be built on the site than if the standard 10 percent of the lot width side and street side yard regulations were strictly applied. The deviations are supported because they will allow more residential units to be constructed at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. In addition, there are no other projects in the area that provide 67-foot or similar side yard setbacks. The project as proposed will be consistent with the development pattern of Ocean View Hills.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 8075 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Keith Bauerle
Deputy City Attorney

KB:pev
12/19/08
01/09/09 Cor.Copy
Or.Dept:DSD
R-2009-642
MMS #7045

000275

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

VESTING TENTATIVE MAP NO. 551809 AND EASEMENT
VACATION NO. 580203 – PLAYA DEL SOL, PROJECT
NO. 4925.

WHEREAS, Pardee Homes, Applicant/Subdivider, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 551809) and easement vacation (Easement Vacation No. 580203) for the subdivision of a 45.97-acre site into four parcels for residential condominium development, for the Playa Del Sol project [Project], located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street, and legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, in the California Terraces Precise Plan (Planning Area 6) area and within the Otay Mesa Community Plan area, in the RM-3-7 zone; and

WHEREAS, the Map proposes the subdivision of a 49.97-acre site into four lots for a residential condominium development (three residential lots and one Home Owner's Association [HOA] lot): and

WHEREAS, on November 13, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 551809 and Easement Vacation No. 580203, and pursuant to Resolution No. 4479-PC voted to recommend City Council approval of the map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code [SDMC] section 144.0220; and

WHEREAS, the subdivision is a residential condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. Lot 1 has 513 units, Lot 2 has 565 units and Lot 3 has 500 units for a total of 1,578 residential units; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 551809:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

9. The property contains public service and street easements which must be vacated to implement the final map in accordance with SDMC section 125.0430.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.


BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), retention basin easement granted per document No. 1999-0400948, recorded June 9, 1999, page 2517, City Drawing 27980-4, 22-D and temporary construction area easement granted per document No. 1999-0400948, page 2518, recorded June 9, 1999, City Drawing 27980-4, 22-D, located within the project boundaries as shown in Vesting Tentative Map No. 551809T, shall be vacated, contingent upon the recordation of the approved map for the project.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 551809 and Easement Vacation No. 580203 are granted to Pardee Homes, Applicant/Subdivider and Project Design

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Consultants, Engineer, subject to the attached conditions which are made a part of this resolution
by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:pev
12/19/08
01/09/09 Cor.Copy
Or.Dept:DSD
R-2009-643
MMS #7045

CONDITIONS FOR VESTING TENTATIVE MAP NO. 551809

PLAYA DEL SOL – PROJECT NO. 4925

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map shall conform to the provisions of Planned Development Permit No. 8075.
6. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

ENGINEERING

7. This Tentative Map is a Vesting Tentative Map, as such; the applicant/subdivider shall pay an additional \$300 fee to the Development Services Department for each Final Map processed in connection with the Vesting Tentative Map.
8. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
11. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

12. The subdivider shall grant a storm water storage easement over the underground detention basin, located in Lot 1.
13. The subdivider shall construct curb ramps at all new street intersections.
14. The subdivider shall provide Mutual Access Easements as required.
15. No new grading permits will be issued until drawing 28458-D has been as-built.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. This project proposes to export 70,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per Land Development Code [LDC] section 141.0620(i).

18. The drainage systems not located in a public street shall be private and subject to approval by the City Engineer.
19. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer
20. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
21. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
22. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
23. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08 DWQ.

MAPPING

24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
25. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

26. The Final Map shall:
- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTEWATER

27. All proposed onsite sewer facilities will be private.
28. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.
29. The developer shall design any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER

30. The Subdivider shall design and construct public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development in a manner satisfactory to the Water Department Director and the City Engineer.
31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer.
32. The Subdivider shall provide Encroachment Removal and Maintenance Agreement [EMRA] for all public water facilities located within the proposed easement.
33. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.

34. The Subdivider shall provide keyed access to Water Operations Division, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.
35. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.
36. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, shall be modified at final engineering to comply with standards.
37. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously identified water facilities, as required by the City Engineer, will become off-site improvements required for this development.
38. The Owner/Permittee shall design all on-site irrigation systems to utilize reclaimed water. If reclaimed water is unavailable, then the irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
39. All irrigation systems must be designed to utilize reclaimed water, whether or not reclaimed water is yet available. This will necessitate a separate irrigation service.
40. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond the design and construction of reclaimed water on-site irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

GEOLOGY

41. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

TRANSPORTATION

42. The construction of the following transportation improvements must be assured by permit and bond prior to the issuance of the first Final Map, satisfactory to the City Engineer:

- a. Del Sol Boulevard, which is classified as a modified 4-lane urban collector with a minimum design speed of 35 mph, with a minimum 72 foot curb-to-curb width within a 92 foot right-of-way, with a 14 foot raised center median along Del Sol Boulevard and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk with a minimum 10 foot curb-to-property line distance along the project frontage.
 - b. Street "A," which is classified as a 4-lane urban major with a minimum design speed of 45 mph, between Ocean View Hills Parkway and Private Drive "B" with an 88 foot curb-to-curb width within a 108 foot right-of-way, with a 24 foot wide raised center median and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk within a minimum 10 foot curb-to-property line distance.
 - c. Street "A," which is classified as a 4-lane urban major with a minimum design speed of 45 mph, between Private Drive "B" and Private Drive "C" with a 78 foot curb-to-curb width within a 98 foot right-of-way, with a 14 foot wide raised center median and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk within a minimum 10 foot curb-to-property line distance.
 - d. Street "A," which is classified as a 4-lane urban major with a minimum design speed of 45 mph, between Private Drive "C" and Otay Mesa Road, with a 98 foot curb-to-curb width within a 118 foot right-of-way, with a 14 foot wide raised center median and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk within a minimum 10 foot curb-to-property line distance.
43. The construction of the following traffic signals and appropriate interconnect must be assured by permit and bond prior to the issuance of the first Final Map, satisfactory to the City Engineer:
- a. Ocean View Hills Parkway at Street "A" including a 150 foot dual northbound to westbound left-turn pocket
 - b. Street "A" at Private Driveway "B" including a 300 foot northbound to westbound left-turn pocket
 - c. Street "A" at Private Driveway "C" including a 200 foot northbound to westbound left-turn pocket

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

CITY COUNCIL RESOLUTION NO. XXX
VESTING TENTATIVE MAP (VTM) NO. 551809
PLAYA DEL SOL - PROJECT NO. 4925]

WHEREAS, PARDEE HOMES, Applicant/Subdivider and Project Design Consultants, Engineer, submitted an application with the City of San Diego for Vesting Tentative Map No. 551809, for the subdivision of a 45.97 acre site into four (4) parcels for residential condominium development. The project site is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 zone in the California Terraces Precise Plan (Planning Area 6) area and within the Otay Mesa Community Plan area. The project site is legally described as the Northwest Quarter and a portion of the South Half of Section 30, Township 18 South, Range 1 West, and a portion of the Southeast Quarter of the Northeast Quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California; and

WHEREAS, the Map proposes the subdivision of a 49.97 acre site into four (4) lots for a residential condominium development (three residential lots and one Home Owner's Association (HOA) lot); and

WHEREAS, an Addendum to Environmental Impact Report (EIR) 86-1032 (Cal Terraces) has been prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a residential condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. Lot 1 has 513 units, Lot 2 has 565 units and Lot 3 has 500 units for a total of 1,578 residential units; and

WHEREAS, on _____, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 551809, and pursuant to Resolution No. XXX-PC voted to recommend City Council approval of the map; and

WHEREAS, on _____, the City Council of the City of San Diego considered Vesting Tentative Map No. 551809, and pursuant to Sections 125.0440 and 125.0430 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council of the City of San Diego having fully considered the matter and being fully advised concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 551809:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.
10. The property contains public service and street easements which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

BE IT FURTHER RESOLVED that pursuant to California Government Code section 66434(g), retention basin easement granted per document No. 1999- 0400948, recorded June 9, 1999, page 2517, City Drawing 27980-4, 22-D and temporary construction area easement granted per document No. 1999- 0400948, page 2518, recorded June 9, 1999, City Drawing 27980-4, 22-D), located within the project boundaries as shown in Vesting Tentative Map No. 551809T, shall be vacated, contingent upon the recordation of the approved Map for the project.

BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 551809 is hereby granted to PARDEE HOMES, Applicant/Subdivider subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire [XXX - 3 YEARS FROM DECISION DATE].
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map shall conform to the provisions of Planned Development Permit No. 8075.
6. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a

disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

ENGINEERING

7. This Tentative Map is a Vesting Tentative Map, as such; the applicant/subdivider shall pay an additional \$300 fee to the Development Services Department for each Final Map processed in connection with the Vesting Tentative Map.
8. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
11. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

12. The subdivider shall grant a storm water storage easement over the underground detention basin, located in Lot 1.
13. The subdivider shall construct curb ramps at all new street intersections.
14. The subdivider shall provide Mutual Access Easements as required.
15. No new grading permits will be issued until drawing 28458-D has been as-built.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for

minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

17. This project proposes to export 70,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per Land Development Code (LDC) Section 141.0620(i).
18. The drainage systems not located in a public street shall be private and subject to approval by the City Engineer.
19. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer
20. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
21. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
22. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
23. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent

amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

MAPPING

24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
25. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
26. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTEWATER

27. All proposed onsite sewer facilities will be private.
28. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.
29. The developer shall design any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER

DRAFT

30. The Subdivider shall design and construct public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development in a manner satisfactory to the Water Department Director and the City Engineer.
31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer.
32. The Subdivider shall provide Encroachment Removal and Maintenance Agreement (EMRA) for all public water facilities located within the proposed easement.
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34. The Subdivider shall provide keyed access to Water Operations Division, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.
35. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.
36. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, shall be modified at final engineering to comply with standards.
37. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously identified water facilities, as required by the City Engineer, will become off-site improvements required for this development.

GEOLOGY

38. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

TRANSPORTATION

39. The construction of the following transportation improvements must be assured by permit and bond prior to the issuance of the first Final Map, satisfactory to the City Engineer:

- a. Del Sol Boulevard, which is classified as a modified 4-lane urban collector with a minimum design speed of 35 mph, with a minimum 72 foot curb-to-curb width within a 92 foot right-of-way, with a 14 foot raised center median along Del Sol Boulevard and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk with a minimum 10 foot curb-to-property line distance along the project frontage.
- b. Street "A", which is classified as a 4-lane urban major with a minimum design speed of 45 mph, between Ocean View Hills Parkway and Private Drive "B" with an 88 foot curb-to-curb width within a 108 foot right-of-way, with a 24 foot wide raised center median and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk within a minimum 10 foot curb-to-property line distance.
- c. Street "A", which is classified as a 4-lane urban major with a minimum design speed of 45 mph, between Private Drive "B" and Private Drive "C" with a 78 foot curb-to-curb width within a 98 foot right-of-way, with a 14 foot wide raised center median and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk within a minimum 10 foot curb-to-property line distance.
- d. Street "A", which is classified as a 4-lane urban major with a minimum design speed of 45 mph, between Private Drive "C" and Otay Mesa Road, with a 98 foot curb-to-curb width within a 118 foot right-of-way, with a 14 foot wide raised center median and curb, gutter, and minimum 5 foot wide non-contiguous sidewalk within a minimum 10 foot curb-to-property line distance.

40. The construction of the following traffic signals and appropriate interconnect must be assured by permit and bond prior to the issuance of the first Final Map, satisfactory to the City Engineer:

- a. Del Sol Boulevard at Private Driveway "D" including a 150 foot westbound to southbound left-turn pocket
- c. Ocean View Hills Parkway at Street "A" including a 150 foot dual northbound to westbound left-turn pocket

- c. Street "A" at Private Driveway "B" including a 300 foot northbound to westbound left-turn pocket
- d. Street "A" at Private Driveway "C" including a 200 foot northbound to westbound left-turn pocket

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

000296

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON HEARING XXX, 2008.

APPROVED: NAME, City Attorney

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
R- INSERT
Reviewed by Patricia Grabski

By _____
Patricia Grabski, AICP
Development Project Manager
Development Services Department

Job Order No. 42-1005

Resolution for Approving/Denying Permits

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, PARDEE HOMES, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit (PDP) No. 8075 to construct a 1,578-unit condominium project consisting of six, three-story buildings and ten four-story buildings with each building having two levels of underground parking, and three 9,600-square-foot recreational buildings known as the Playa del Sol project. The project is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street, and is legally described as the Northwest Quarter and a portion of the South Half of Section 30, Township 18 South, Range 1 West, and a portion of the Southeast Quarter of the Northeast Quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California. The project is in the RM-3-7 and RS-1-14 zones within the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area; and

WHEREAS, on November 13, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 8075, and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on DATE, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to PDP No. 8075:

Site Development Permit - Section 126.0504**A. Findings for all Site Development Permits****1. The proposed development will not adversely affect the applicable land use plan;**

The project site consists of approximately 45.97 acres of vacant land within the Otay Mesa community planning area and the California Terraces Precise Plan. In 1994, the City Council adopted the California Terraces Precise Plan designating the site for medium-high density residential (30-43 dwelling units per acre [du/ac]).

The proposed project requests approval of a 1,578-unit condominium project that consists of six three-story buildings with two levels of underground parking, ten four-story buildings with two levels of underground parking, three 9,600 square-foot recreational buildings, and associated open space.

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The proposal complies with the density standards for the California Terraces Precise Plan and the underlying zone (RM-3-7). The High Medium Residential land use designation has a density range of 30-43 du/acre, and would allow for the development of 1,379-1,977 dwelling units on the approximately 45.97 acre site. The project is within the RM-3-7 zone (1 dwelling unit (du)/1,000 square feet (sf) of lot area) and Lot A (HOA lot to remain undeveloped) is within the RS-1-14 zone (1 du/5000 sf of lot area). The gross area is 45.97 acres and could be developed with up to 1,873 units (1,840 units for the RM-3-7 portion, and 33 units for the RS-1-14 portion). The net area is 41.69 acres, and would allow for between 1,251 to 1,793 units. As proposed, 1,578 units is below the maximum allowed under the RM-3-7 zone and is within the California Terraces Precise Plan land use designation of High Medium Residential (30-43 du/ac) at either 34 du/ac at the gross acreage, or 38 du/ac at the net acreage. The private drives have been excluded from the net acreage per Code Section 143.0410(b)(5) of the Planned Development Permit regulations.

The proposed project meets the Design Element of the California Terraces Precise Plan by creating a visual landscape buffer between the street and the residential land use, and by providing an interface between parkways and major use areas via a curvilinear streetscape. The proposed project encourages pedestrian and bicycle movement throughout the site with safe and convenient parkway paths throughout the development that connect to public sidewalks. Further guidelines that the project would implement include direct garage access from inside the project rather than curb cuts to the public street, and screened off-street parking from public streets through the placement of the proposed buildings. The proposed project also eliminates the need for visually obtrusive sound walls at the southwestern corner of the site by elevating the pad, locates buildings to create courtyards and open spaces that are well defined. utilizes drought-tolerant plant species, and provides three common recreational areas for the project that offer numerous amenities for the future residents.

The project is consistent with the Public Facilities Elements of the California Terraces Precise Plan through the payment of its fair share of development impact fees to contribute to the parks, library facilities and future demand on Police/Fire services.

All other development standards that apply to this zone will be satisfied with this development proposal (except building height and setbacks, as discussed below in the fifth finding). Therefore, the proposed development would not adversely affect the California Terraces Precise Plan, Otay Mesa Community Plan, or the City of San Diego General Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The approvals prepared for this project include various conditions of approval relevant to achieving compliance with the regulations of the Municipal Code in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and welfare of the persons residing or working in the area. These conditions include standards that pertain to best management

practices, traffic circulation, engineering, utilities, noise, and landscaping. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project complies with all applicable development guidelines of the RM-3-7 zone with the exception of several deviations addressed in the fifth finding.

4. The proposed development, when considered as a whole, will be beneficial to the community; and

The Playa del Sol project will promote the City's social equity goals by contributing to the creation and maintenance of a stable, economically and socially diverse community in Otay Mesa. The project will fairly distribute the costs and benefits of development and will improve the overall appearance of the vacant site through the construction of a project that is proposing to provide the majority of the required parking within underground garages. Three, 9600 square-foot recreation buildings are proposed that are located throughout the project site that will offer numerous recreational and common open space amenities for the future residents. Pools, tot lots, various types of sport courts, and other related uses will be provided. The provision of these amenities will lessen the impact of the future residents on existing and planned parks within Otay Mesa. Additionally, the project's design allows for a unit count that is near the maximum amount of units that could be built on the site at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. Therefore, when considered as a whole, the proposed development will be beneficial the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The applicant is requesting a deviation from the required RM-3-7 height limit of 40 feet to a maximum of 58 feet. The highest roofline of any of the buildings would be 52 feet- the additional 6 feet is for the elevator towers. The rooflines range in height from 40 to 52 feet, and with the elevator towers, the overall heights are 46 to 58 feet high. The tallest structures are located towards the southern end of the project and are generally located away from the existing single-family residences to the north.

The increase in height is necessary to accommodate the density envisioned by the California Terraces Precise Plan. The height deviation will allow more units to be built on the site than if the 40-foot height limit were strictly applied. Further, to meet the height and density regulations of the RM-3-7 zone the units would have to be smaller. In association with the Otay Mesa Community Plan Update, a survey was conducted by SourcePoint in both single family units and multi-family units in the Otay Mesa and Otay

Ranch area to determine household sizes. The survey results established that the multi-family units in the Otay region had an average of 3.45 persons per household. Given the population per household in Otay Mesa is currently 3.45, the provision of smaller units in order to try and reduce the overall building height would not address the housing needs of the area and would be a less desirable project. The project proposes a mix of one, two, three, and four bedroom units based on the demonstrated demand for larger units in this portion of San Diego. By providing a variety of unit types, the applicant would help to make Otay Mesa a more balanced community which is consistent with the Housing Element, and provide affordable (in nature) dwelling units at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

Building Number	Maximum Overall Building Height (without Elevator Tower)	Maximum Building Height with Elevator Tower (adds 6 feet to overall height)
1	52 feet	58 feet
2	52 feet	58 feet
3	52 feet	58 feet
4	52 feet	58 feet
5	52 feet	58 feet
6	52 feet	58 feet
7	52 feet	58 feet
8	51 feet	57 feet
9	51 feet	57 feet
10	52 feet	58 feet
11	41 feet	47 feet
12	42 feet	48 feet
13	42 feet	48 feet
14	42 feet	48 feet
15	42 feet	48 feet
16	40 feet	46 feet

The applicant is requesting the following setback deviations.

LOT 1:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10% of the lot width) along Otay Mesa Road, 30-feet is proposed.

The RM-3-7 requires a side yard setback of 75 feet (or 10% of the lot width) along the northern side of the lot, 15-feet is proposed.

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LOT 2:

The RM-3-7 requires a street side yard setback of 67 feet (10% of the lot width) along A Street, 20-feet is proposed.

The RM-3-7 requires a side yard setback of 67 feet (10% of the lot width) along the western side of the lot, 12-feet is proposed.

LOT 3:

The RM-3-7 requires a street side yard setback of 75 feet (10% of the lot width) along Del Sol Boulevard, 40-feet is proposed.

The RM-3-7 requires a side yard setback of 75 feet (10% of the lot width) along the southeastern side of the lot, 15-feet is proposed.

These setback deviations are necessary to achieve the density identified in the California Terraces Precise Plan. They will allow for more units to be built on the site than if the standard 10% of the lot width side and street side yard regulations were strictly applied. The deviations are supported because they will allow more residential units to be constructed at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. In addition, there are no other projects in the area that provide 67-foot or similar side yard setbacks. The project as proposed will be consistent with the development pattern of Ocean View Hills.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit (PDP) No. 8075 is granted to PARDEE HOMES, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

NAME

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by Patricia Grabski

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-1005

PLANNED DEVELOPMENT PERMIT NO. 8075
PLAYA DEL SOL (MMRP) PTS 4925
CITY COUNCIL

This Planned Development Permit No. 8075 is granted by the City Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600. The 45.97 acre site is located at south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 zone within the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area. The project site is legally described as the Northwest Quarter and a portion of the South Half of Section 30, Township 18 South, Range 1 West, and a portion of the Southeast Quarter of the Northeast Quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Pardee Homes, Owner/Permittee to a construct 1,578-unit condominium project that consists of six, three-story buildings and ten four-story buildings with each building having two levels of underground parking, three approximately 9,608-square-foot recreational buildings, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. 1,578-unit condominium project consisting of six three-story buildings and ten four-story buildings with each building having two levels of underground parking;
- b. Three approximately 9,608 square-foot recreational buildings;
- c. Deviations:

Height: The RM-3-7 height limit is 40-feet, 58 feet is approved.

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Setbacks:

Lot 1:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Otay Mesa Road, 30 feet is approved.

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along the northern side of the lot, 15 feet is approved.

Lot 2:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Street "A", 20 feet approved.

The RM-3-7 zone requires a side yard setback of 76 feet (or 10 percent of the lot width) along the western side of the lot, 12 feet is approved.

Lot 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10 percent of the lot width) along Del Sol Boulevard, 40 feet is approved.

The RM-3-7 zone requires a side yard setback of 75 feet (or 10 percent of the lot width) along the southeastern side of the lot, 15 feet is approved.

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

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2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

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8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit is required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

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ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

14. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Addendum to Environmental Impact Report No. 86-1032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Addendum to Environmental Impact Report No. 86-1032, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Transportation/Traffic Circulation; Noise; and Paleontological Resources.

16. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

17. The Planned Development Permit shall comply with the conditions of the Final Map for Playa del Sol and Vesting Tentative Map No. 551809.

LANDSCAPE REQUIREMENTS:

18. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee/Owner or subsequent Owner(s) to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

20. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A", Landscape Development Plan, on file in the Office of Development Services.

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21. Prior to issuance of any construction permit for parking structures, the Permittee/Owner or subsequent Owner(s) shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

22. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. Prior to any grading (building permit) the Permittee/Owner or subsequent Owner(s) shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

25. The Permittee/Owner or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

26. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee or subsequent Owner(s).

27. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

28. The Owner/Permittee or subsequent Owner(s) shall post a copy of the approved discretionary permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.

29. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

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TRANSPORTATION REQUIREMENTS

30. On Lot 1 the Municipal/Land Development Code requires no fewer than 1,067 automobile, 26 accessible parking spaces (of which four (4) must be van accessible parking spaces), 272 bicycle parking spaces, and 51 motorcycle parking spaces. Pursuant to the Project's Exhibit "A", Subdivider currently proposes to exceed the Municipal/Land Development Code requirement with 1,119 off-street automobile parking spaces, including 36 accessible parking spaces (of which six (6) are van accessible parking spaces), 300 bicycle parking spaces with racks, and 54 motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A", subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the Municipal/Land Development Code.

31. On Lot 2 the Municipal/Land Development Code requires no fewer than 1,169 automobile, 27 accessible parking spaces (of which four (4) must be van accessible parking spaces), 298 bicycle parking spaces, and 56 motorcycle parking spaces. Pursuant to the Project's Exhibit "A", Subdivider currently proposes to exceed the Municipal/Land Development Code requirement with 1,230 off-street automobile parking spaces, including 38 accessible parking spaces (of which 6 are van accessible parking spaces), 310 bicycle parking spaces with racks, and 58 motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A", subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the Municipal/Land Development Code.

32. The Municipal/Land Development Code requires no fewer than 1,047 automobile, 26 accessible parking spaces (of which four (4) must be van accessible parking spaces), 266 bicycle parking spaces, and 50 motorcycle parking spaces. Pursuant to the Project's Exhibit "A", Subdivider currently proposes to exceed the Municipal/Land Development Code requirement with 1,158 off-street automobile parking spaces, including 40 accessible parking spaces (of which 7 are van accessible parking spaces), 370 bicycle parking spaces with racks, and 53 motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A", subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the Municipal/Land Development Code.

33. Prior to the issuance of the first building permit in each of Lots 1, 2, and 3, a Mutual Access Agreement shall be recorded among all parcels, satisfactory to the City Engineer.

34. Prior to the issuance of the building permit, the applicant shall provide a fair-share contribution of 8.7 percent of the cost to construct an additional southbound lane at the future SR-905/Caliente Avenue WB on-ramp (Year 2008 estimated cost of \$24,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer.

35. Prior to the issuance of the building permit for the 983rd residential unit, the applicant shall provide a fair-share contribution of 3.0 percent of the cost to construct one High Occupancy Lane (HOV) in each direction, on future SR-905 between Heritage Road and Interstate 805 (Year 2008

estimated cost of \$270,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer.

36. Prior to the issuance of the building permit for the 983rd residential unit, the construction of the traffic signal and appropriate interconnect at Otay Mesa Road and Street "A" shall be assured by permit and bond, satisfactory to the City Engineer. This signal shall be constructed after Otay Mesa Road is transferred back to the City of San Diego. In the interim, Street "A" should be restricted to right in/right out at Otay Mesa Road.

WASTEWATER REQUIREMENTS:

37. All proposed onsite sewer facilities will be private.

38. Prior to the issuance of any building permit, the Permittee Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of all sewer facilities necessary to serve this development.

39. Prior to the issuance of any building or engineering permits, the Permittee/Owner or subsequent Owner(s) shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&Rs for the operation and maintenance of private sewer facilities that serve more than one ownership.

40. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement, no private sewer facilities shall be in or over any public right-of-way.

41. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

42. The Owner/Permittee or subsequent Owner(s) shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER REQUIREMENTS:

43. Prior to the issuance of the first building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer.

44. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of new irrigation water service(s) in a manner satisfactory to the Water Department Director and the City Engineer. All private on-site irrigation systems shall be designed to utilize reclaimed water. The system shall be designed

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to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.

45. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A", will require modification based on standards at final engineering.

46. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide Encroachment Removal and Maintenance Agreement (EMRA) for all public water facilities located within the proposed easement.

47. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

48. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.

49. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall provide keyed access to Water Operations Division, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

51. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

52. The Owner/Permittee or subsequent Owner(s) agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

53. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these

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previously identified water facilities, as required by the City Engineer, will become off-site improvements required for this development.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on[date and resolution number] .

000313

Permit Type/PTS Approval No.: PDP No. 8075

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

NAME

TITLE

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

[NAME OF COMPANY]

Owner/Permittee

By _____

NAME

TITLE

[NAME OF COMPANY]

Owner/Permittee

By _____

NAME

TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

000315

PLANNING COMMISSION
RESOLUTION NO.
PLANNED DEVELOPMENT PERMIT NO. 8075
PLAYA DEL SOL
PTS 4925

WHEREAS, PARDEE HOMES, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit (PDP) No. 8075 to construct a 1,578-unit condominium project consisting of six, three-story buildings and ten four-story buildings with each building having two levels of underground parking, and three 9,600-square-foot recreational buildings (as described in and referenced to the approved exhibit "A", and corresponding conditions of approval for Planned Development Permit No. 8075) on portions of a 45.97 acre site;

WHEREAS, the project site is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 and RS-1-14 zones within the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area;

WHEREAS, the site is legally described as the Northwest Quarter and a portion of the South Half of Section 30, Township 18 South, Range 1 West, and a portion of the Southeast Quarter of the Northeast Quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California;

WHEREAS, on November 13, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 8075, and voted XXX to recommend City Council approval of Planned Development Permit No. 8075.

PATRICIA GRABSKI, AICP
Development Project Manager
Development Services

cc: Legislative Recorder

DRAFT

000317

Item 10

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
NOVEMBER 13, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:05 am. Chairperson Schultz adjourned the meeting at 11:30 am.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz – present
Vice-Chairperson - Eric Naslund –present
Commissioner Robert Griswold – present
Commissioner Gil Ontai –present
Commissioner Dennis Otsuji - present
Commissioner Mike Smiley – not present
Commissioner Tim Golba - present

Staff

Keith Bauerle, City Attorney - present
Mary Wright, Planning Department – present
Mike Westlake, Development Services Department - present
Don Weston, Development Services Department - present
Brenda Clark, Legislative Recorder - present
Elisa Contreras, Recorder – present

000318

ITEM - 10: ***PLAYA DEL SOL – PROJECT NO. 4925**
City Council District: 8; Plan Area: Otay Mesa

Staff: Patricia Grabski

Speaker slips submitted in favor of project by Jon Beeker, Giovanni Posillico, Kim Sheredy, Sam Kab, Pepper Coffey, Lee Sherwood, Mark Elliott, David Dunham, John Ponder, Alan Ziegnus.

No speaker slips submitted oppose to project.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO RECOMMEND.
CERTIFICATION BY THE CITY COUNCIL OF ADDENDUM NO. 4925 TO
FINAL ENVIRONMENTAL IMPACT REPORT NO. 86-1032; AND

RECOMMEND APPROVAL BY THE CITY COUNCIL OF VESTING
TENTATIVE MAP (VTM) NO. 551809; EASEMENT VACATION NO.
580203; AND PLANNED DEVELOPMENT PERMIT (PDP) NO. 8075 AS
PRESENTED IN REPORT PC-08-151. Second by Commissioner Otsuji. Passed
by a vote of 4-2-0 with Commissioners Schultz and Griswold voting NAY and
Commissioner Smiley not present. Resolution No. 4479-PC

RECOMMENDATION:

COMMISSIONER NASLUND RECOMMENDS TO CITY COUNCIL THAT
APPLICANT SWITCHES OUT FOUR STORY BUILDINGS 8 AND 9 WITH
THREE STORY BUILDINGS 12 AND 13.

AMENDMENT TO RECOMMENDATION:

COMMISSIONER GOLBA ADDED AN AMENDMENT TO THE
RECOMMENDATION FOR APPLICANT TO EXPLORE PROVIDING
ONSITE GENERATION FOR AT LEAST THE COMMON AREA
FUNCTIONS OF THIS FACILITY. Second by Commissioner Otsuji.

000319

From: Carlos Lacarra [cdlaca@cox.net]
Sent: Monday, November 17, 2008 3:45 PM
To: CLK Hearings1
Cc: Hueso, Ben; Apalategui, Yolanda
Subject: Planned Development Permit. Project Number 4925. Project name: Playa Del Sol

Dear Mayor Sanders and San Diego City Council

I wish to voice my opposition to The Playa Del Sol project unless there is a clause that will not allow the developer to change the project from Condominiums to Apartments. I believe our community would be better served by having owner occupied residences instead of apartments (pride in ownership concept).

I'm also opposed to it unless there is consideration taken to the impact it will have to the population to the adjoining school and the possible continuing delays to the elementary school which has been delayed in its construction due to the Ferry Shrimp.

Ocean View Hills School is currently over populated with students and some consideration needs to be taken to this prior to its approval. I believe that Pardee should somehow help financially in assuring that the schools in the area have room for the influx of new students due to the new housing construction. Thank You

Carlos Lacarra
1238 Sand Drift Pt.
San Diego, Ca. 92154
(619) 934-7666

11/17/2008

Playa del Sol

Planning Area 6 - Ocean View Hills



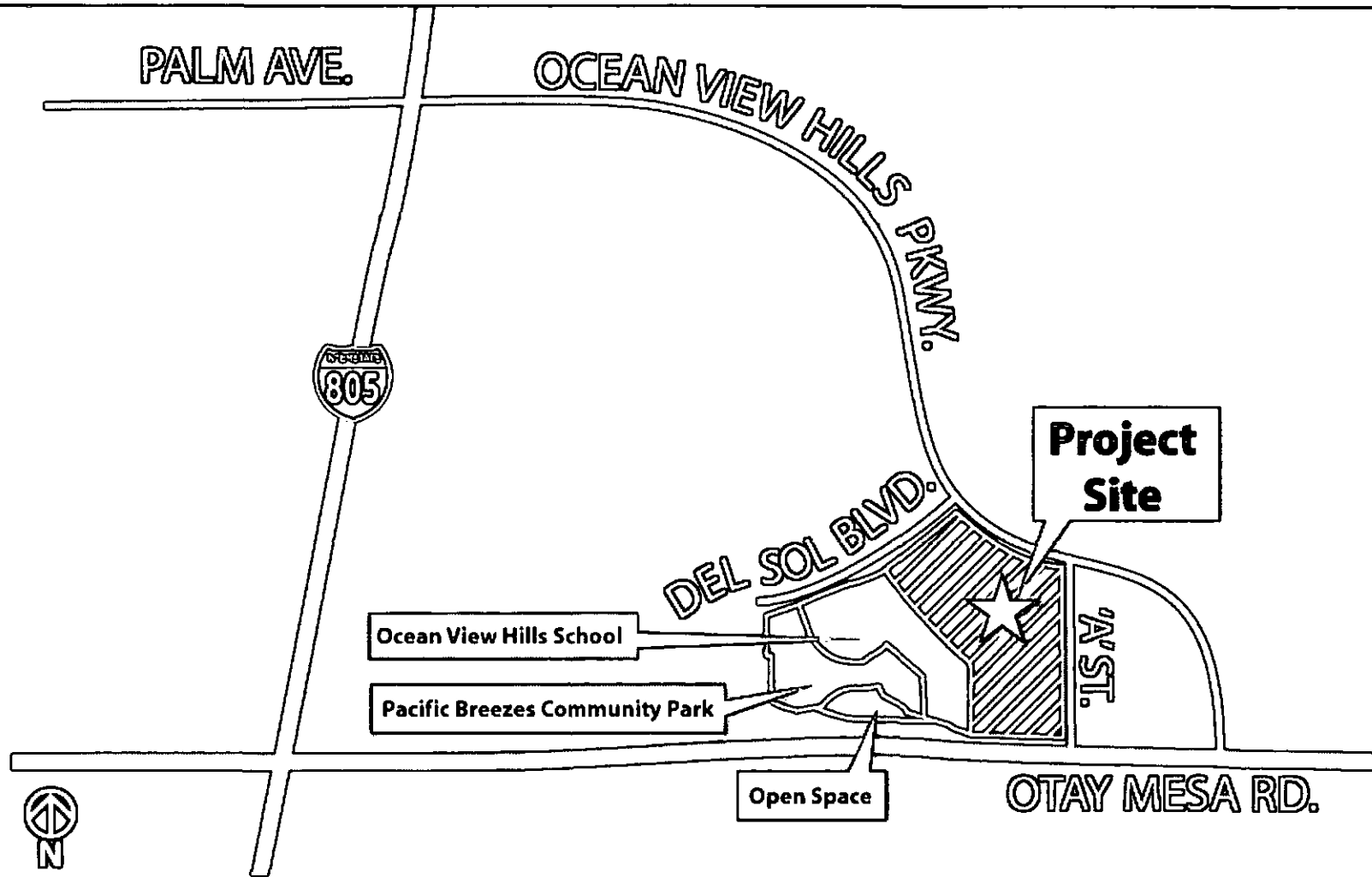
*Presentation to the
San Diego City Council*

January 20, 2009



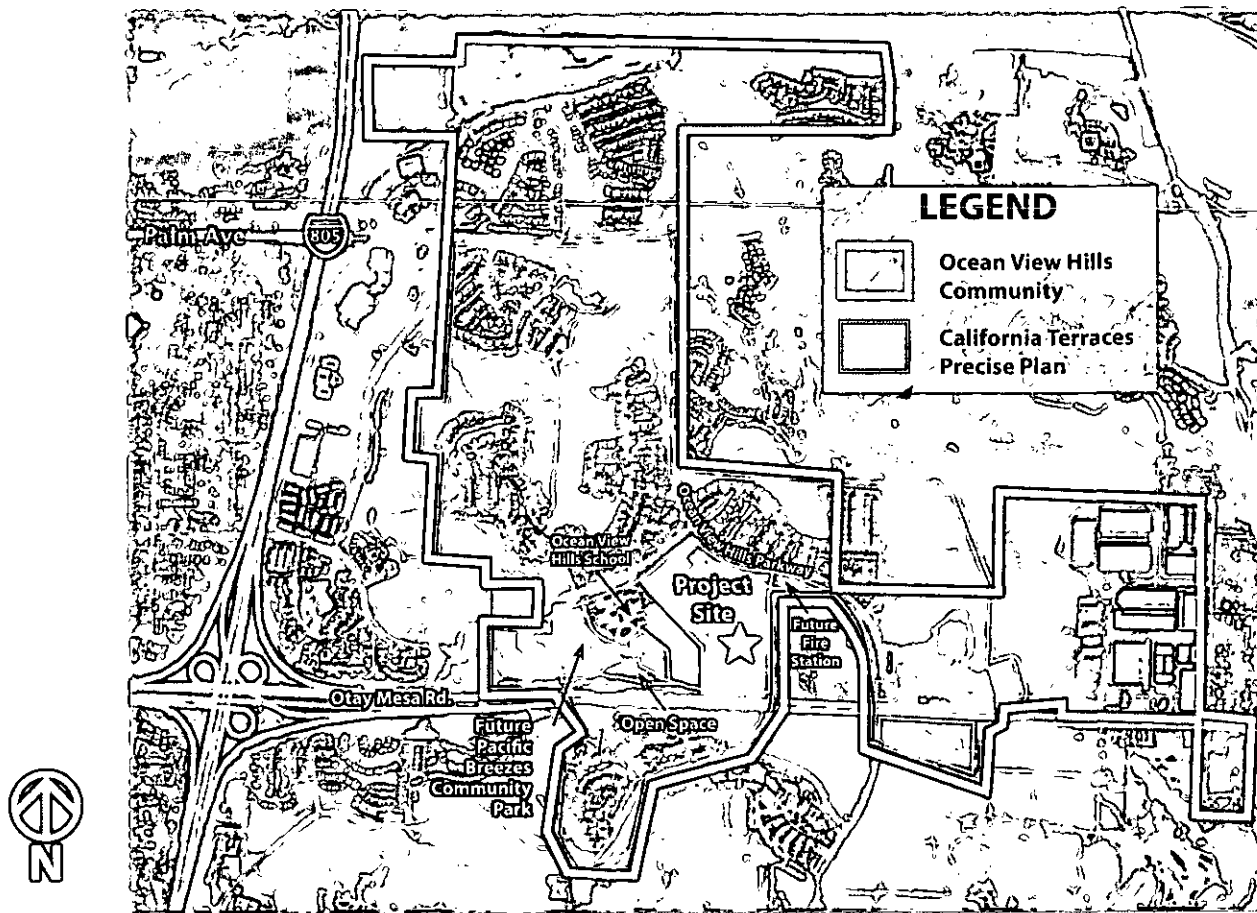
330
01/20

Project Orientation



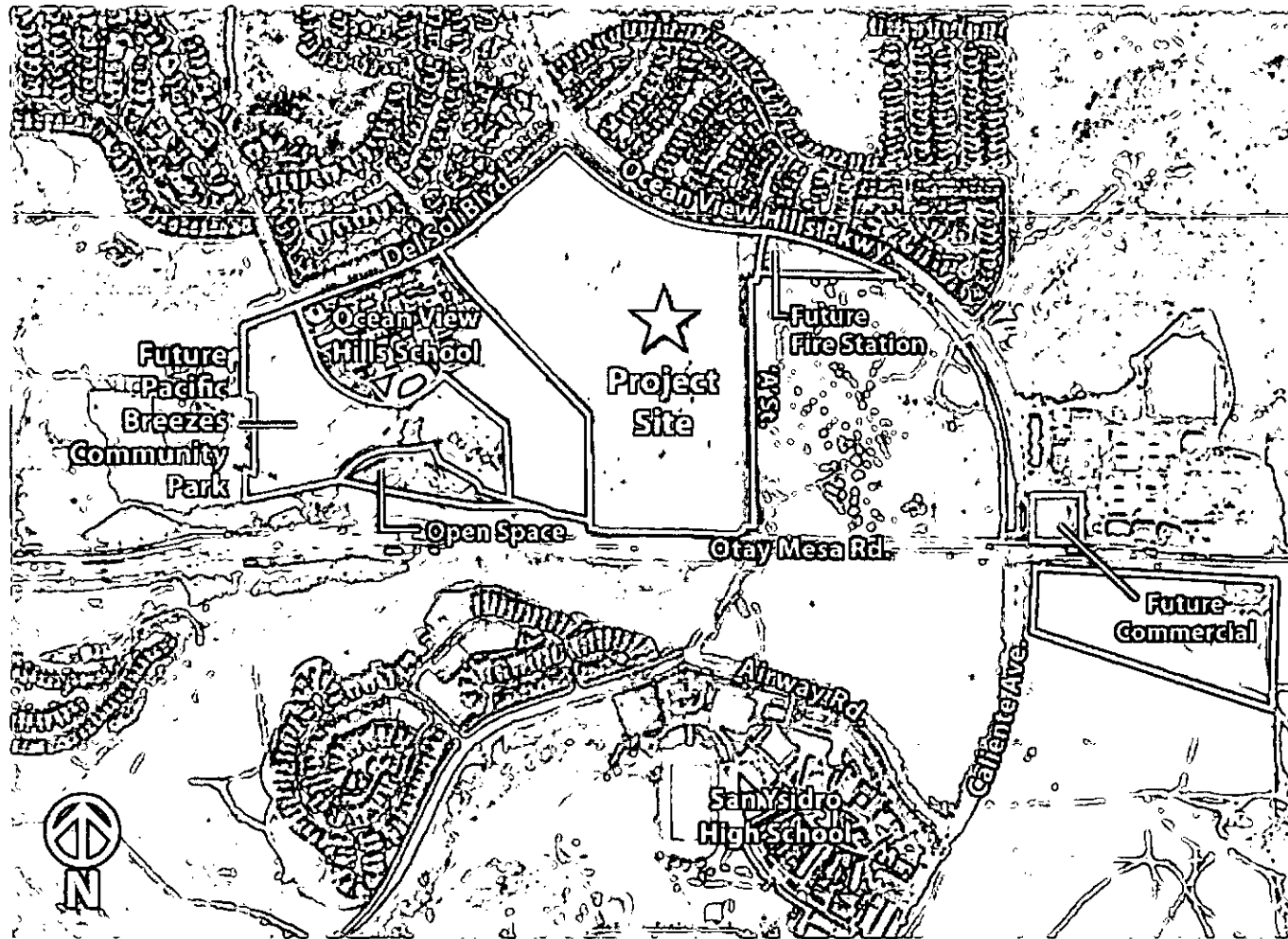
Playa del Sol

Community Planning Area



Playa del Sol

Vicinity Map



Playa del Sol

Ocean View Hills Community Overview

- Founded by Pardee Homes in 1998
- Master-planned community
- Consists of approximately 840 acres
- Approximately 20 final maps have been issued in Ocean View Hills and Playa del Sol marks the 21st and one of three remaining residential projects in the community
- Schools, parks, shopping centers, open space, roadways and employment centers

Playa del Sol

Site Data

Total Gross Site Area: 45.97 acres

Net Residential Site: 37.95 acres

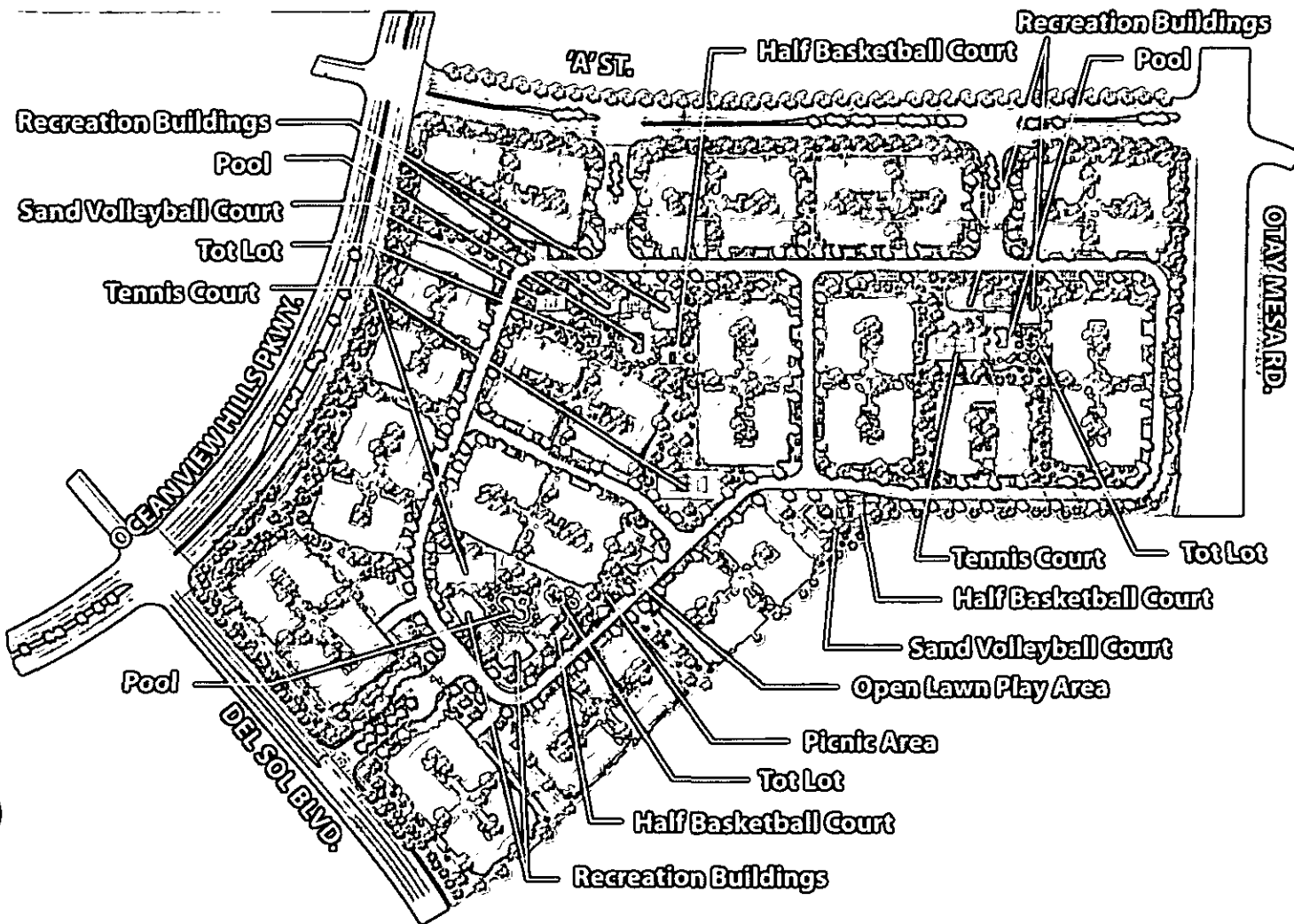
Total Residential Units: 1,578 units

Recreational Areas +9 acres

Open Space: 3.74 acres

Playa del Sol

Site Plan



Playa del Sol

Residential Summary

UNIT TYPE		SQUARE FOOTAGE	NUMBER OF UNITS
UNIT A	1 bedroom+den/2 bath	1,050 sf	577 units
UNIT B	2 bedroom/2 bath	1,050 sf	523 units
UNIT C	2 bedroom+den (or 3BR)/2 bath	1,250 sf	133 units
UNIT D	4 bedrooms / 2 bath	1,400 sf	315 units
UNIT E	2 bedroom+den (or 3BR)/2 bath	1,300 sf	24 units
GUEST	1 bedroom/1 bath	1,000 sf	6 units
		TOTAL:	1578 units

Playa del Sol

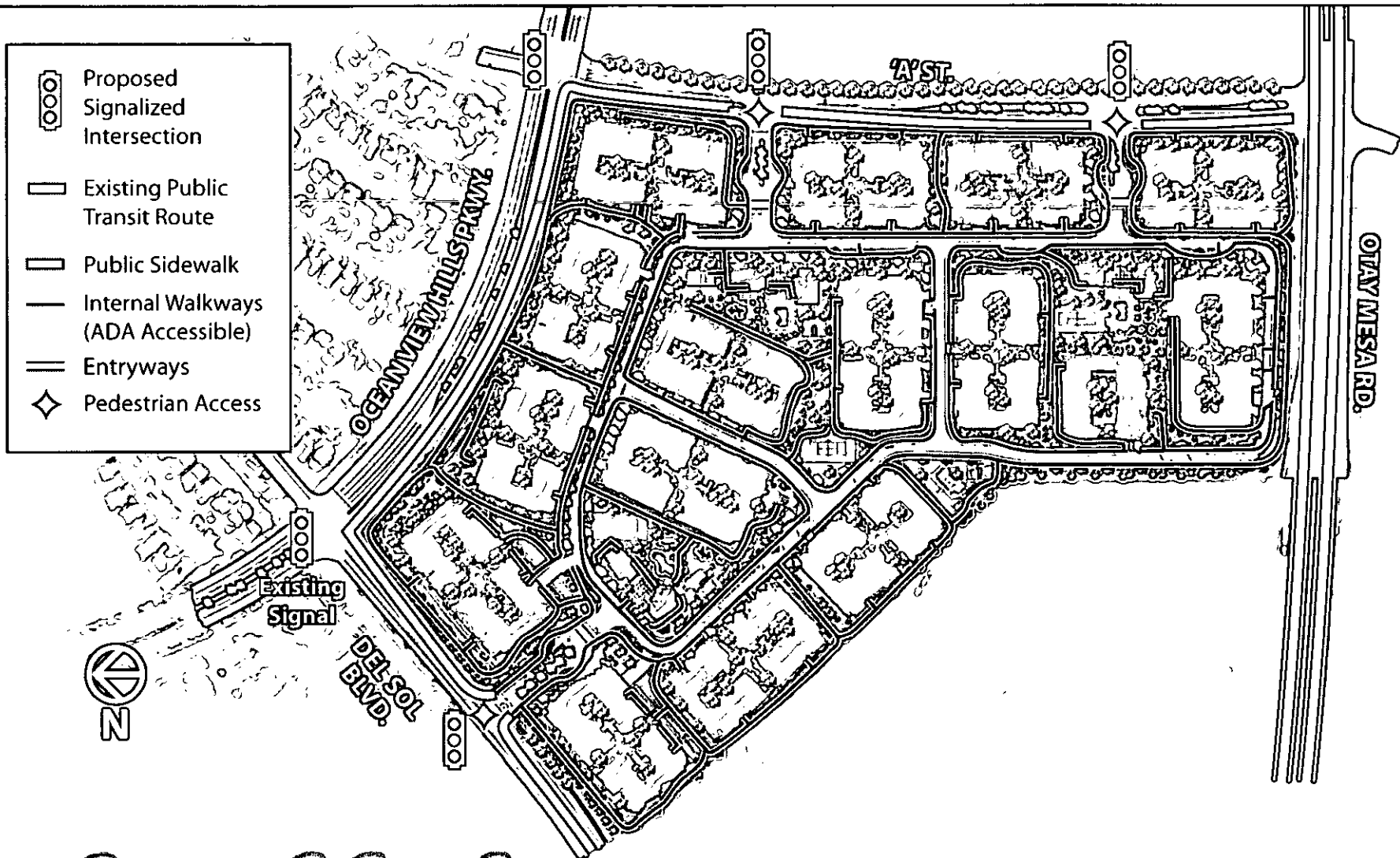
Project Highlights

- Adjacent to Ocean View Hills School (K-8) and future Pacific Breezes Community Park
- Central location in master planned community of Ocean View Hills
- Located on major bus line (Otay Mesa Road Bus Route)
- Architecture complementary to surrounding community
- On-site recreational amenities
- Conforms to Ocean View Hills (California Terraces) Precise Plan and the Otay Mesa Community Plan
- Private parking including two levels of underground parking for each residential building
- Close to retail/commercial amenities
- Six guest suites
- Extensive Green Building features
- Developer to install parallel/reclaimed purple pipe irrigation system in the event a reclaimed transmission main is available in the future for the project

Project Benefits

- Generates FBA contribution of nearly \$24.5 million (FY2008) = 1578 MFDUs X \$15,485, not including annual increases in FBA assessment rates.
- Creates construction-related jobs for San Diegans
- Creates many 3 and 4 bedroom multi-family units affordable to large working families common in Otay Mesa that cannot afford single family homes.
- Increases Otay Mesa's consumer demand for housing-related purchases – new furniture, services, landscaping, and appliances.

Connectivity and Walkability



Playa del Sol

Proximity to Community Uses

Ocean View Hills School	0.1 miles
San Ysidro High School	0.3 miles
Existing neighborhood park	0.6 miles
Future joint-use park	0.3 miles
Existing commercial	0.9 miles
Future commercial	0.3 miles
Future fire station	0.1 miles
Future church	0.2 miles

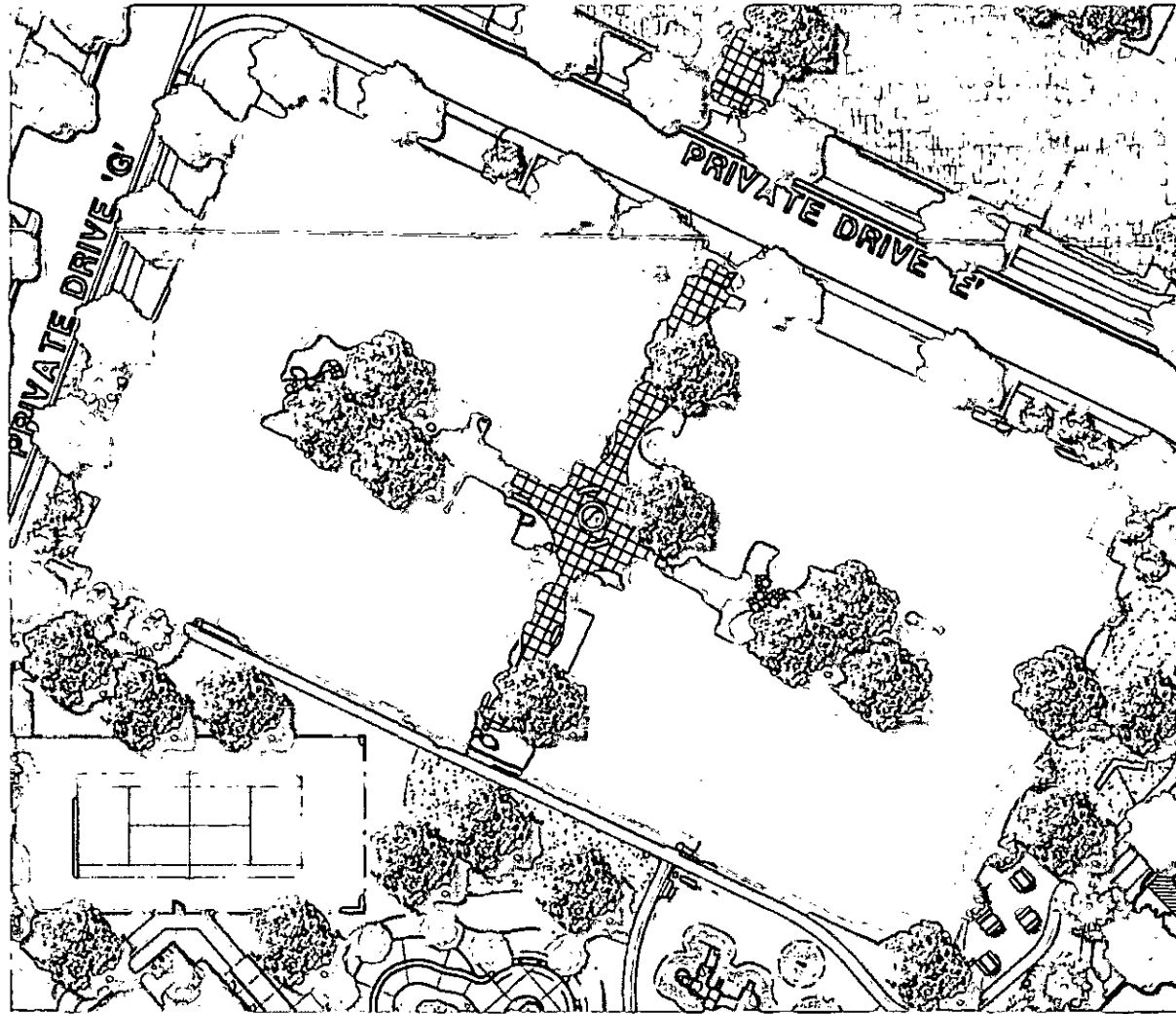
Recreational Facilities

The Playa del Sol recreational amenities include:

- Three tot lots
- Picnic areas
- Three full tennis courts
- Two sand volleyball courts
- Three half basketball courts
- Three swimming pools
- Three Jacuzzis
- Pedestrian pathways throughout development
- Three 9,608-square-foot recreational centers with:
 - Racquetball courts
 - Fitness centers
 - Meeting space
 - Media rooms

Playa del Sol

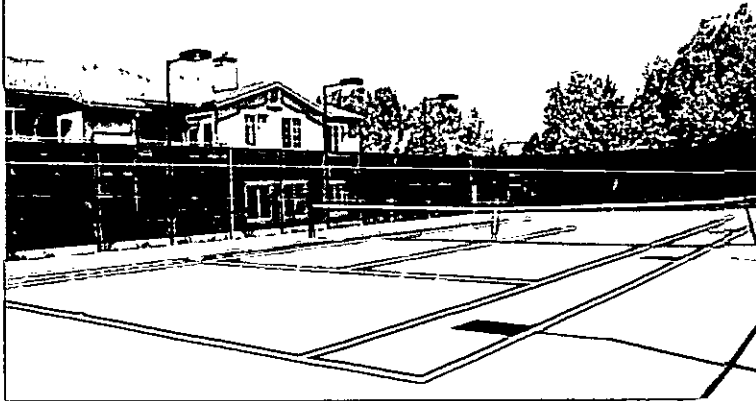
Recreation Areas



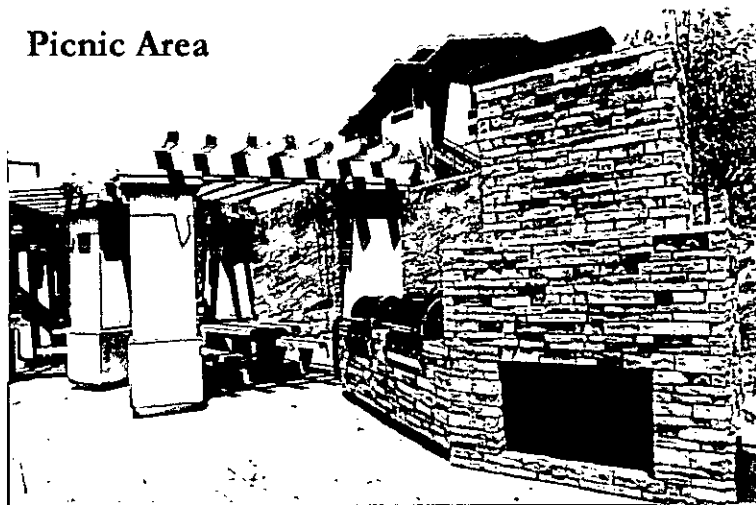
Playa del Sol

Recreation Areas

Tennis Court



Picnic Area



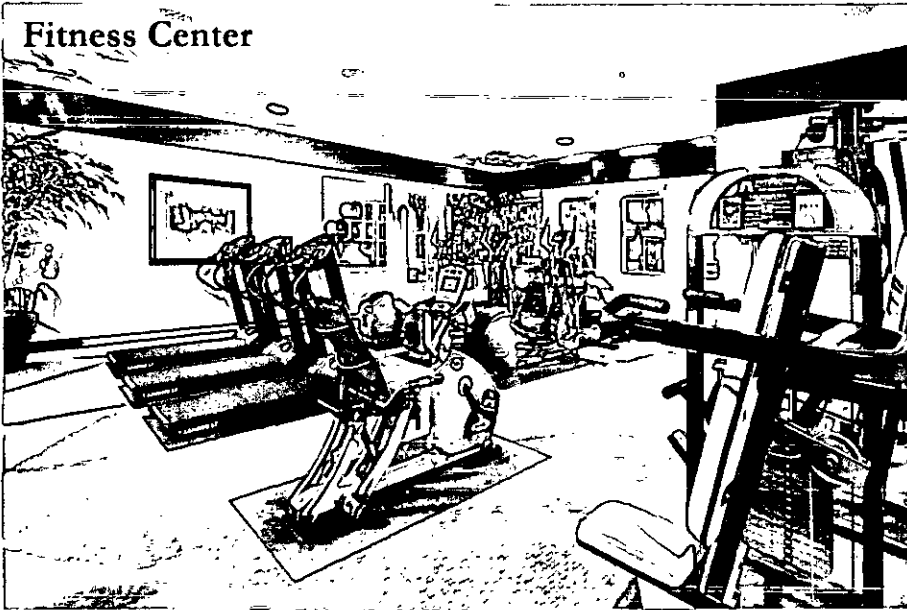
Tot Lot

The facilities/equipment shown above are samples from other Pardee Homes communities. Actual facilities/equipment for the proposed project may differ and will be determined at a later time.

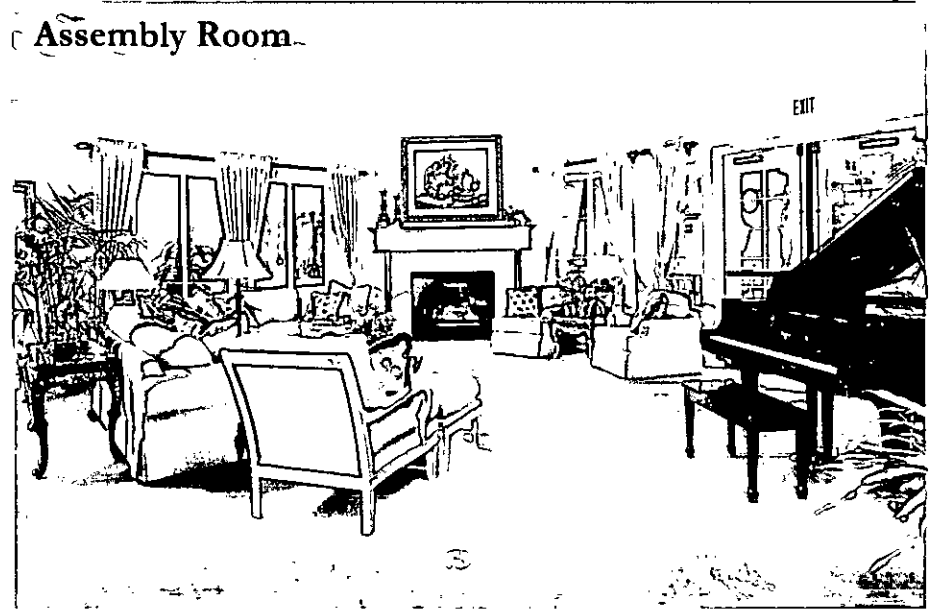
Playa del Sol

Recreation Areas

Fitness Center



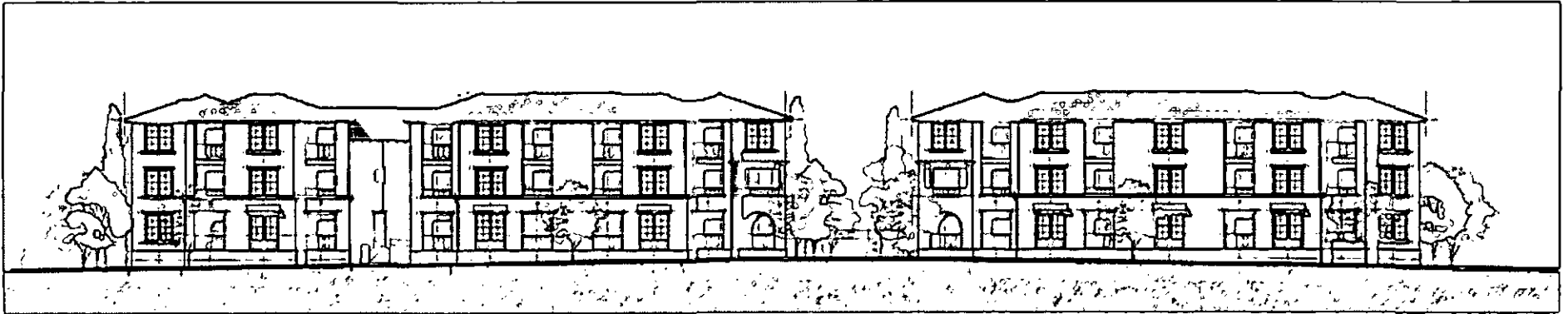
Assembly Room



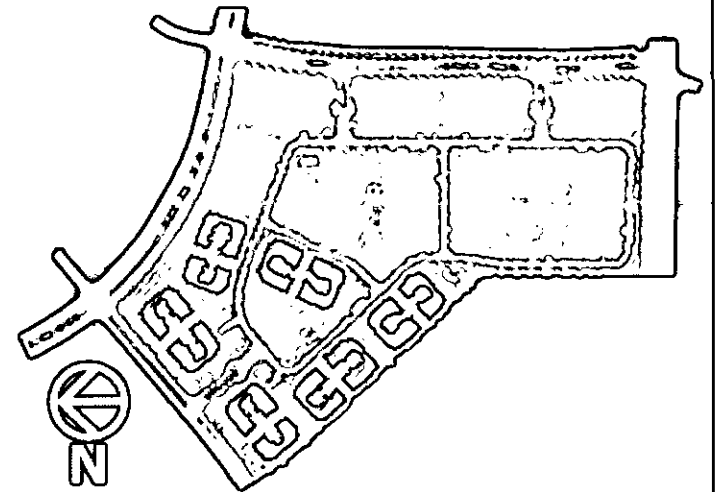
The facilities/equipment shown above are samples from other Pardee Homes communities. Actual facilities/equipment for the proposed project may differ and will be determined at a later time.

Playa del Sol

Project Design

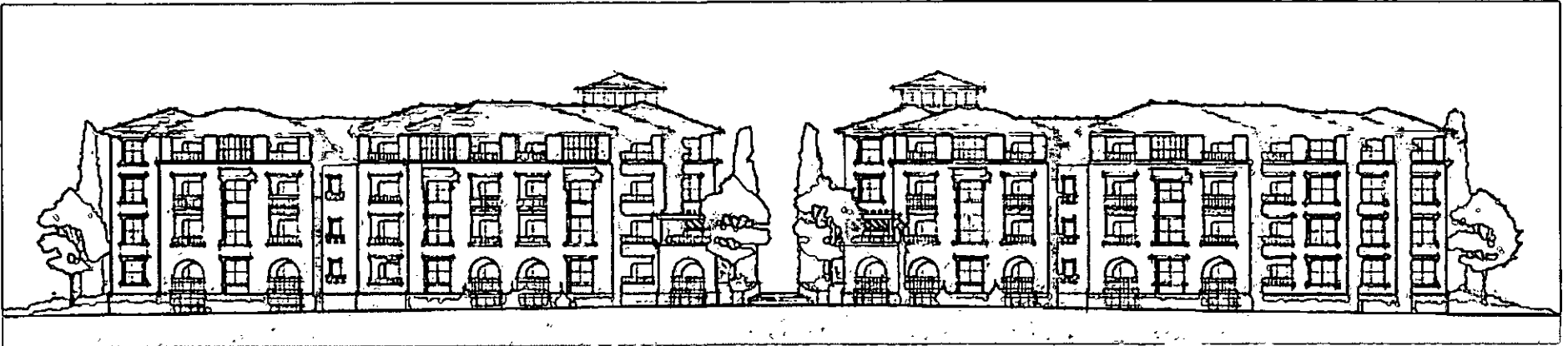


Six of the buildings in Playa del Sol will consist of three stories on the northwestern section of the project site.

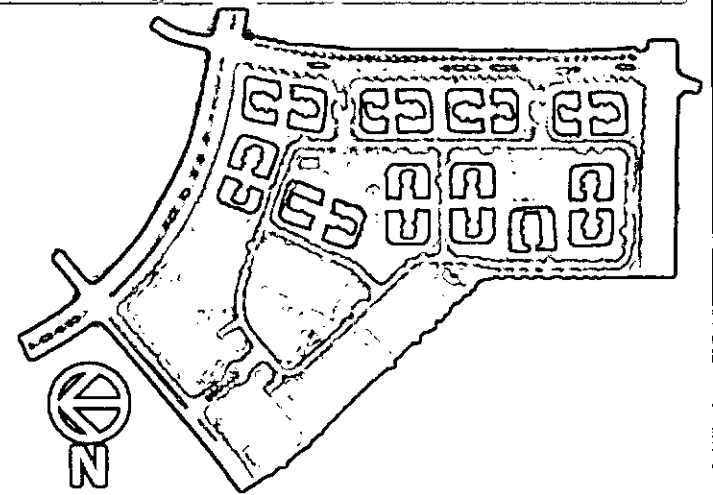


Playa del Sol

Project Design



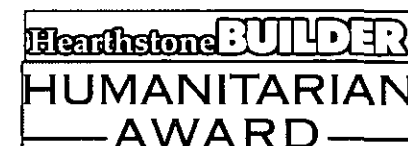
Ten of the buildings in Playa del Sol will consist of four stories and will be located on the southern and eastern sections of the project site.



Playa del Sol

Sustainability & Leadership

- Pardee Homes' President and CEO named Building Industry Association of Southern California 2007 Builder of the Year
- 2006 National Green Building Award
- 2006 Hearthstone Builder Humanitarian Award
- 2003, 2004, 2005 and 2006 Energy Star Partner of the Year Award from the U.S. Environmental Protection Agency
- 2004 Governor's Environmental and Economic Leadership Award
- 2004 Green Project of the Year Award from the National Association of Home Builders

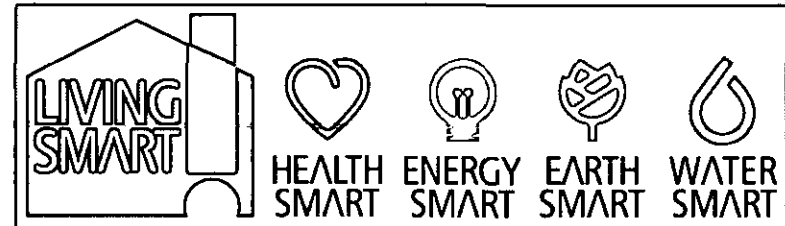


Building Industry Association of Southern California

Playa del Sol

Green Building Features

- Sealed Duct Systems
- Minimum R30 Ceiling Insulation
- Fluorescent Lighting
- EnergyStar® Appliances
- Third-Party Energy Inspection
- Flooring from Recycled Materials
- Engineered and Certified Wood
- Cellulose Attic Insulation
- Low VOC Paint
- Energy Efficient Three-Coat Stucco
- Water Heaters with an Energy Factor of 60 or Greater
- HVAC Systems Exceeding Title 24 by 15 Percent
- Water-Saving Faucets and Fixtures
- Multi-Programmable Irrigation Clocks



Sustainability Summary

- Designed to meet LivingSmart standards.
- Established energy efficiency for the proposed buildings and systems.
- Reduced ozone depletion by not using CFC-based refrigerants.
- Located on existing bus route.
- Reduced heat island effect by incorporating underground parking structures.
- Reduced pollution by providing bicycle and motorcycle parking spaces.
- Minimizes amount of runoff into non-irrigated areas.
- Includes native, non-invasive landscaping.
- Uses a water-conserving and environmentally-friendly irrigation system.
- Provided areas for storage and collection of recyclables.
- Incorporates erosion and sedimentation control plan and manages and controls waste for all construction activities.
- Integrates recycled and rapidly renewable materials where possible.

Water Supply Summary

- Water demand for California Terraces Precise Plan is in the City's 2005 Urban Water Management Plan.
- Water Supply Assessment/Verification was completed by the City Water Department to comply with SB 610/SB 221 requirements.
- Water supplies necessary to serve existing demand and future demands, including Playa del Sol, have been identified and verified.

Community Support

Otay Mesa Planning Group

C/o 427 C Street, Suite 308
San Diego, CA 92101

August 21, 2006

Ms. Patricia Grabski
1222 First Avenue MS 302
San Diego, CA 92101

Ocean View Hills Planning Area 6

"On Wednesday, August 16, 2006, a presentation was made to the Otay Mesa Planning Group regarding Ocean View Hills Planning Area 6."

"The planning group voted 14-2-0 to support the project..."

Sincerely,



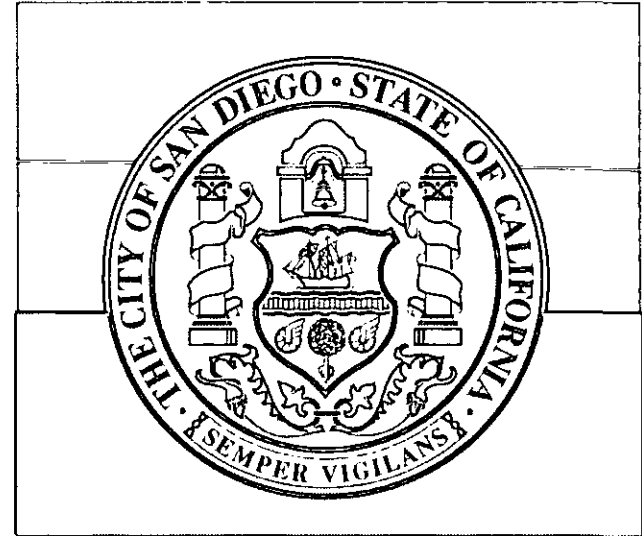
Rob Hixson
Chair

cc: Mr. Jimmy Ayala, Pardee Homes (via email)
Mr. Ron Brockhoff, Pardee Homes (via email)

Playa del Sol

Planning Commission Approval

On November 13, 2008, the San Diego Planning Commission recommended approval of the Playa del Sol project to City Council 4-2.



Playa del Sol

Requested Approvals

Pardee Homes is seeking the following approvals:

- Certification of Addendum to the EIR
- Vesting Tentative Map
- Planned Development Permit
- Easement Vacations

BRIGGS LAW CORPORATION

330
01/20

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 858-495-9082
Facsimile: 858-495-9138

Please respond to: Upland Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1007.98

20 January 2009

City Council
c/o City Clerk Elizabeth Maland
City of San Diego
202 "C" Street, 2nd Floor
San Diego, CA 92101

Re: Item 330 on City Council Agenda for January 20, 2009 (Playa Del Sol)

Dear City Council:

On behalf of Citizens for Responsible Equitable Environmental Development, I am writing to urge you not to approve the project that is subject to the above-referenced agenda item. In general, approval of the project would violate the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, and other laws. The specific reasons for denying the project are set forth on Attachment 1 to this letter and supported by evidence in the administrative record for the project and by other evidence provided on the accompanying DVD.

Thank you for your attention to this matter.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs
Cory J. Briggs

Attachment & DVD

NOTE: Attachment & DVD Available for
viewing in the Office of the City Clerk

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
09 JAN 20 AM 9:19



Attachment 1: Opposition to Playa Del Sol

January 20, 2009

(Two Pages)

1. The project should be denied because the wrong environmental document was prepared. This project is a different project than the one that the prior EIR was prepared for. The 1994 EIR was for the California Terraces Precise Plan, whereas the item today is for the Playa Del Sol project. The two projects differ substantially with respect to their nature, size, intensity, and potential impacts, and any one of those differences renders use of an addendum unlawful under CEQA.
2. The changes to the project are more than minor or technical changes.
3. New information and changed circumstances warrant subsequent environmental review or, at the very least, formal recirculation of the prior EIR with an updated analysis of all current impacts. Consider the following examples:
 - a. SB 610 (Water Code Section 10910 *et seq.*) went into effect in 2002. *See* exs. A1 & A2. A water supply assessment was prepared for the project, but it was not subject to public review. *See also* water supply folder (evidence regarding decreasing water supply).
 - b. Federal air-quality standards for fine particulates (PM-2.5) went into effect in 1997, and those standards along with their potential for being exceeded by the then-proposed downtown ballpark were sufficient to warrant the preparation of a subsequent EIR for what is now Petco Park. *See* exs. B1 & B2. Moreover, diesel particulate has been recognized by the State of California as a hazardous air pollutant since 1998, and construction equipment is one of the leading sources. *See* exs. B3-B5. This project will employ construction equipment that burns diesel fuel and therefore has the potential to cause substantial air-quality impacts in the form of diesel emissions.
 - c. There is new information related to vernal pools and coastal sage scrub habitat. Litigation enjoining the City of San Diego's Incidental Take Permit did not conclude until 2006. *See* exs. C1 & C2. The project is located in a part of San Diego that is known to have vernal pools and coastal sage scrub habitat, and the project is likely to affect those resources substantially.
 - d. Global climate change has been raised as a significant environmental issue that has been frequently analyzed in current environmental documents. *See* exs. 1 & 2 in climate change folder. Additionally, Executive Order S-3-05 was signed in 2005 and Assembly Bill 32 were enacted in 2006. *See* exs. D1 & D2. The project will cause direct and indirect greenhouse-gas emissions that, when considered cumulatively, are significant. *See* climate change folder. The project's greenhouse-gas emissions have never been analyzed under CEQA. Traffic generated by the project, as well as energy



Attachment 1: Opposition to Playa Del Sol

January 20, 2009

(Two Pages)

consumption by the residences, are leading contributors to greenhouse-gas emissions and climate change.

3. You have not properly reviewed today's addendum in conjunction with the 1994 EIR, as required under CEQA Guidelines Section 15164. The agenda packet for today's hearing does not contain the 1994 EIR, and the City Council cannot involve a review of the addendum and the EIR unless the EIR is included in the agenda materials or the members of the City Council positively state that they reviewed the EIR on their own after receiving a copy of the addendum.
4. The notice of public hearing published for today did not provide a sufficient general explanation of the matter to be considered by the City Council, as required by Government Code Sections 65090 and 65094. For example, nowhere does the notice indicate that the Planning Commission considered this project and made a recommendation to the City Council.
5. The notice of public hearing did not identify the adoption of an addendum as one of the actions to be taken, as required by Government Code Sections 65090 and 65094.
6. A statement of overriding considerations has not been adopted for the project.

